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Chile

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I. Introduction

1. The Administration of President Sebastián Piñera hereby submits the report of Chile for the third cycle of the universal periodic review. The report highlights the human rights advances made and challenges encountered over the period from 2014 to 2018. The submission of this report is a reaffirmation of the full commitment of Chile to human rights and the universal system of protection.

II. Methodology and consultation process

2. This report was prepared by the Ministry of Justice and Human Rights, Office of the Undersecretary for Human Rights, with support from the Ministry of Foreign Affairs and in cooperation with State institutions such as the judiciary, the Public Prosecution Service, the Office of the Minister and Secretary General of the Presidency, the Ministry of Social Development, the Ministry of the Interior and Public Security, the Ministry of Women's Affairs and Gender Equity, the Ministry of Health, the Ministry of Education, the Ministry of Labour and Social Security, the Office of the Minister and Secretary General of Government, the Ministry of the Environment, the Ministry of National Property, the Ministry of Defence, the Ministry of Economic Affairs, Development and Tourism, the Ministry of Housing and Town Planning, the Office of the Undersecretary for Children, the Office of the Superintendent of Pensions, the Carabineros (uniformed police), the Investigative Police, the Public Criminal Defender Service, the Prison Service, the Civil Registry and Identity Service, the National Service for Minors, the Legal Assistance Agency and the National Service for Persons with Disabilities.[1]

3. The recommendations accepted by Chile have been divided into categories for the purpose of reporting on them by thematic area. The numbers of the recommendations being referred to are indicated in brackets and in bold; these numbers correspond to the recommendations listed under paragraph 121 of the Working Group's report.

4. In addition, on 10 October 2018, a dialogue was held with 32 civil society organizations in order to hear their views on the advances made and challenges encountered in Chile.[2]

III. International commitments of the State

5. Chile has become a party to a number of international treaties **(18)**. For example, in 2015 it ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure **(3, 10, 11)**; the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness were approved by Congress and are in the process of being published **(17)**; and in 2016 Chile ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) **(8, 9)**. It is also in the process of promulgating the Agreement on the Status and Functions of the International Commission on Missing Persons, signed in 2014 **(21)**.

6. The Kampala amendments to the Rome Statute of the International Criminal Court were ratified in 2017 **(14, 15, 19)**. In addition, a bill on the amendment of Act No. 20.357, which defines crimes against humanity, the crime of genocide and war crimes and offences, to incorporate the crime of aggression and extend the definition of war crimes to non-international conflicts (bulletin No. 10665-07), was introduced by motion on 11 May 2016 and is now at the first stage of consideration in the Senate **(20)**.

7. A bill on the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women **(2, 4, 5, 6, 7)** and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity **(16)** is now under consideration in Congress.

8. The Office of the United Nations High Commissioner for Human Rights (OHCHR) provided technical support to the Office of the Undersecretary for Human Rights with respect to the national human rights plan and training for public officials on the preparation of reports to treaty bodies and the conduct of human rights workshops **(50)**.

9. Since 2014, Chile has submitted periodic reports to a number of treaty bodies: the Human Rights Council, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities, the Committee on the Elimination of Discrimination against Women and the Committee against Torture. In 2016, Chile submitted its first report to the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The report was made public, along with the report of the Subcommittee's visit to Chile. In 2019, dialogues will be held with the Committee on Enforced Disappearances, the Committee on the Elimination of Racial Discrimination and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. Since 2014, the State has hosted visits by numerous Special Rapporteurs. In addition, in 2017 Chile was elected a member of the Human Rights Council.

10. With regard to action against torture, Chile is a leader in its region, working through the Convention against Torture Initiative to promote ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, the offences of torture and cruel, inhuman or degrading treatment have been defined in accordance with international standards and have been included in the country's Criminal Code (Act No. 20.968) **(74, 75)**.

11. That Act also amended Act No. 20.477 to specify that civilians and adolescents may in no case be subject to the jurisdiction of military courts, either as victims or as defendants **(109)**.

IV. Human rights institutions (23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 41, 42, 43, 44, 45, 46, 79)

12. With regard to government institutions, the Office of the Undersecretary for Human Rights went into operation in 2017 (Act No. 20.885). Its mission is the effective promotion and protection of human rights through the design, implementation and evaluation of policies, plans and programmes.

13. The Office's responsibilities include the drafting of the four-year national human rights plan, the design of policies to ensure the observance, promotion and protection of human rights and the coordination of the implementation, monitoring and evaluation of such policies. The first national human rights plan (2017) includes over 600 agreed actions, grouped under 50 targets and 15 chapters. The Office of the Undersecretary has coordinated the implementation of the plan.

14. All the functions and powers deriving from transitional article 10 of Act No. 20.405 and from Supreme Decree No. 1005 of 1997 on the national human rights programme, including those corresponding to the functions or activities assigned to the National Reparation and Reconciliation Board, have been transferred from the Ministry of the Interior and Public Security to the Office of the Undersecretary. Thus, overall authority in relation to human rights has been concentrated in that Office.

15. Act No. 20.820 (2015) created the Ministry of Women's Affairs and Gender Equity; Act No. 21.045 (2017) created the Ministry of Cultures, Arts and Heritage; and Act No. 21.090 (2018) created the Office of the Undersecretary for Children.

16. With regard to autonomous institutions, the national human rights institution currently has a presence in 13 regions of the country. Act No. 21.067 (2018) created the Office of the Ombudsperson for Children.

17. A bill on the designation of the national human rights institution as the national mechanism for the prevention of torture is now at the second stage of consideration in Congress. The bill would establish a committee of experts within the national human rights institution, endowing it with operational and financial independence pursuant to the Paris Principles. It would give the committee of experts the authority and the resources to carry out regular preventive visits to persons deprived of their liberty.

V. Advances, grouped by thematic area

A. Indigenous peoples

Araucanía Plan (39, 163, 164, 165, 178)

18. In September 2018, the current Administration unveiled the National Agreement for Development and Peace in Araucanía. It is based on the principles of comprehensive and inclusive development; recognition and appreciation of diversity; and commitment to dialogue, consensus and peace.[3] It includes measures such as the constitutional recognition of indigenous peoples. The Agreement also envisages public investment amounting to US$ 8.043 billion in the Araucanía Region for the period from 2018 to 2026. In addition, the measures contained in the plan are expected to attract private investment amounting to US$ 16 million over that period.

Free, prior and informed consultation (38, 67, 163, 164, 165, 166, 169, 170, 171, 172, 173, 174, 175, 178)

19. Since 2009, there have been 59 consultation processes, and another 24 are under development. These consultations on legislative and administrative measures have been held at the local and national levels by the Ministry of Social Development, the Ministry of the Interior and Public Security, the Ministry of National Property, the Ministry of the Environment, the Ministry of Cultures, Arts and Heritage, the Ministry of Health, the Ministry of Energy, the Ministry of Economic Affairs, Development and Tourism and the Ministry of Public Works. Moreover, Supreme Decree No. 66 of the Ministry of Social Development (2014) has entered into force; national consultations were held on this decree, which lays down rules governing the process of consultation with indigenous peoples.

20. In 2017, a nationwide process of consultation with indigenous constituents was held on the topics of constitutional recognition and political participation.[4] The executive branch is working on a bill concerning the constitutional recognition of indigenous peoples.

21. Since July 2018, the Ministry of Education has been carrying out a consultation on the proposed curricular framework for the subject "Language and culture of indigenous peoples", which will be taught to pupils in the first to sixth grades.

22. Between 2015 and 2017 the Ministry of Health conducted a nationwide consultation on a set of regulations establishing the right of persons belonging to indigenous peoples to receive culturally appropriate health care.[5]

23. The Ministry of National Property has carried out two consultation processes: one on Salar del Huasco National Park (Tarapacá Region, July 2016 to July 2017), in which Quechua and Aymara people were invited to take part; and one on the reclassification and expansion of the Alacalufes forest reserve (2017), in which Kawésqar communities were invited to take part. The communities indicated that they were in favour of the measures proposed.

24. In the first half of 2018, the Ministry of the Environment carried out 18 consultations. In addition, the Environmental Assessment Service issued instructions on the implementation of consultations with indigenous peoples (2016), in line with the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).[6]

Economic, social and cultural rights (39, 58, 65, 67, 154, 155, 176, 177, 181)

25. In the field of education, in 2014 the Ministry of Education established a Secretariat for Indigenous Intercultural Education, which is responsible for developing the concept of interculturalism for the school system. This is significant, considering that, according to the 2017 national social and economic survey, the average number of years of schooling completed by indigenous people is 10.3 years, while the average for non-indigenous people is 11.2 years.

Table 1. Education grant programme for indigenous students[7]

	Investment (millions)	*Number of students*	*Male*	*Female*
2014	5 191	22 202	9 773	12 429
2015	5 846	22 881	10 105	12 776
2016	6 290	23 919	10 408	13 511
2017	6 427	24 336	13 756	10 580
2018*	6 582	24 722	10 668	14 054

* Planned investment.

26. The Ministry of Education has formalized the teaching role of traditional educators by issuing new rules recognizing individuals who have expertise acquired through the knowledge and practices handed down by indigenous peoples with regard to their language, customs, traditions, history and world view.

27. In the field of health, in 2017 the authorities adopted general technical regulation No. 189 on the release of the placenta (Exempt Decree No. 208) to ensure women's right to take possession of their placenta, thus respecting their cultural practices and their indigenous world view. In 2016, technical guidelines were issued on an intercultural approach to mental health care for indigenous peoples.

28. The Ministry of Health incorporates the intercultural approach into its care model, as shown by initiatives such as the "Health and indigenous peoples" policy, in force since 2006; the "Health and indigenous peoples" programme, implemented in all health districts; and the culturally appropriate obstetric care provided in hospitals in the regions with the largest indigenous populations.

29. Through the special health-care programme for indigenous peoples, the State funds health initiatives aimed at enhancing equity, interculturalism and participation in health care for indigenous peoples, in order to reduce health inequities. The programme covers all of the country's 29 health districts.

30. Since 2012 the authorities have been implementing the Araucanía Plan, which has driven improvements in health centres that carry out intercultural health activities. The improvements include a gradual increase in indigenous health-care services and Mapuche spiritual assistance, among other actions.

31. With respect to the right to live in a pollution-free environment, in 2015 a Coastline Unit was created within the National Indigenous Development Agency. The Unit has prepared 23 customary use reports, conducted 18 consultations under Act No. 20.249, and allocated 140,146 hectares of land.

32. With regard to decent housing, in 2016 the Ministry of Housing and Town Planning, the Ministry of Social Development and the National Indigenous Development Agency concluded a cooperation agreement under which they have joined forces to carry out actions on habitability and housing, targeting families of indigenous people in urban and rural areas.

33. With regard to employment, the Ministry of Labour and Social Security is implementing a programme to improve the employability of traditional craftspeople in rural areas, carried out by the Fundación Artesanías de Chile. There is a requirement that 50 per cent of the trainees must belong to indigenous peoples.

34. The State is complying with the Inter-American Court of Human Rights ruling in *Norín Catrimán et al.*, including with regard to education and health plans.

Promotion of indigenous peoples' rights (65, 66, 67, 68, 160, 161, 162)

35. The results of the national social and economic survey reveal that the proportion of indigenous people who perceive that they have been discriminated against has declined.[8]

36. The National Indigenous Development Agency carries out programmes for the promotion and protection of indigenous peoples' rights, such as a legal defence programme that provides advisory and legal defence services in judicial and non-judicial proceedings

and in alternative dispute settlement procedures related to the use, enjoyment and development of indigenous lands.[9]

37. In 2017 the information programme on the rights of indigenous peoples, which is intended to make it easier for indigenous persons living in geographically remote areas to obtain information and carry out the necessary formalities for obtaining public and private benefits, provided services on 32,447 occasions. On 19,284 occasions (59 per cent of the total), the services were provided to women.

38. The number of women who have received benefits under the economic development programme has increased, with the result that in 2017 women accounted for 66 per cent of the total number of beneficiaries. Regarding education, figures for 2018 indicate that 4,604 indigenous boys and girls are enrolled in kindergartens where indigenous languages and cultures are taught.

39. The Public Criminal Defender Service has set up pilot offices for the defence of indigenous foreign women who are being held in custody in the Region of Tarapacá. It has also developed protocols to guide officials' interaction with such women. In addition, it has 11 intercultural facilitators who provide support in the preparation of the defence and in interactions with indigenous clients.

Women (165, 166)

40. In 2018 an agreement was signed between the National Indigenous Development Agency and the Latin American Centre for Rural Development, in the framework of the policy agenda on employment for indigenous women in Chile, a United Nations-led initiative. The purpose of the agreement is to promote the empowerment of indigenous women leaders representing the nine peoples recognized by law.

Children and adolescents (162)

41. The National Plan of Action for Children and Adolescents (2018–2025) provides for activities geared towards child and adolescent victims of discrimination and social exclusion, in particular indigenous children and adolescents.

42. For 2018, a protocol to ensure that basic services are provided to indigenous families, with a special focus on land restitution, is envisaged. The actions being taken to ensure access to education include the development of a specially agreed protocol for indigenous children and adolescents who are called upon to serve as *machi* (Mapuche medicine practitioners) and require special arrangements to complete their formal education. Finally, under the programme "Chile Grows with You", guides for pregnant women are to be adapted for use by indigenous peoples, and educational materials are to be developed.

Access to land (175)

43. Between January 2014 and August 2018, 14,122.02 hectares were allocated, benefiting 2,040 families, under the subsidy scheme for the purchase of land by indigenous persons, communities or segments of communities when the land area of the community in question is insufficient (art. 20 (a)). Over the same period, a total of 44,945 hectares were returned to 136 indigenous communities consisting of 4,680 families, under the scheme for the restitution of ancestral lands (art. 20 (b)).

44. With regard to places of cultural significance, the State has handed over 42 hectares, benefiting 28 communities consisting of 833 families, in the Araucanía Region. In addition, 62,446.60 hectares were awarded by way of transfers of State holdings, benefiting 505 families. A total of 164 indigenous communities, consisting of 8,058 families, have received a total of 121,555.42 hectares.

45. Between 2014 and 2017, under the programme on the administration of State property for indigenous peoples, the Ministry of National Property allocated a total of 690,365,363.98 m^2 of State holdings to such peoples nationwide.[10] These allocations were made in settlement of 1,655 claims.

46. In 2018, the previous programme was reformulated, although the commitment to give priority to claims from indigenous peoples on State property was maintained. A total of 350 cases have been finalized. In addition, a component was added on the conduct of

surveys of State properties with high heritage and/or environmental value, focusing on units of the national system of protected forest areas in which indigenous peoples have an interest and properties with significant heritage features such as geoglyphs or archaeological sites, among others.

Economic and financial development (165 and 166)

47. According to the national social and economic survey, the percentage of the indigenous population that was living in poverty in 2015 was 18.3 per cent, compared with 11.0 per cent for the non-indigenous population. In 2017 those percentages fell to 14.5 per cent of the indigenous population and 8.0 per cent of the non-indigenous population. Extreme poverty among persons belonging to indigenous peoples stood at 6.6 per cent in 2015 and at 4.0 per cent in 2017. Multidimensional poverty among persons belonging to indigenous peoples currently stands at 30.2 per cent, compared with 19.7 per cent among persons who do not belong to such groups.

48. In view of this situation, the authorities, with support from the Inter-American Development Bank, created the Indigenous Development and Promotion Programme to lead processes of openness and dialogue aimed at providing access to financing for indigenous productive development projects in the form of economically and socioculturally sustainable business initiatives proposed by indigenous organizations in the agriculture, forestry, non-conventional renewable energy, tourism and aquaculture sectors.[11]

49. Under the national human rights plan, the National Industrial Property Institute has undertaken to lead efforts concerning the protection of genetic resources and traditional knowledge by means of intellectual property tools. Another employment initiative for indigenous communities is the "designation of origin" programme, especially in the Araucanía Region.

50. The Productive Development Agency has promoted the socioeconomic development of indigenous peoples by improving access to financing for indigenous productive development projects. In 2015, a programme on integrated development initiatives was adopted, including, in particular, a programme for indigenous productive and business development.[12]

51. In 2016, the Indigenous Development and Promotion Committee was created to help increase income generation among indigenous peoples by supporting economically and socioculturally sustainable business initiatives. The system has received 103 applications, 46 of which have been granted subsidies under the programme to support the formulation of high-impact production projects by indigenous peoples.

52. The Productive Development Agency supported the creation of a contingent coverage or subsidy fund to improve access to financing for sustainable indigenous production initiatives or projects. For the first time, the State has begun to offer a guarantee of up to 90 per cent for high-impact production projects carried out by indigenous peoples, with the aim of encouraging financial institutions to provide financing to indigenous communities, organizations and cooperatives.

53. Other financing channels include the indigenous peoples' investment support fund, established in 2017, and the indigenous suppliers' development programme.

54. The National Tourism Service and the Office of the Undersecretary for Tourism are implementing indigenous people-focused programmes to strengthen entrepreneurship, human capital, quality tourism services, ethics and other areas.[13]

Implementation of Act No. 18.314 (22, 167, 168, 169)

55. The implementation of Act No. 18.314 reflects the general nature of this law and does not target any particular group. With regard to the cases tried at first instance that in,olved persons whom the Public Prosecution Service charged with terrorist activity (2015–2018), six judgments have been identified in which this law appears to have been applied.[14] It should be noted, however, that the law has been applied in other cases to accused persons who do not belong to any indigenous people.[15]

56. A recent Supreme Court judgment[16] reaffirms the general scope of the law by requiring courts to ensure that the reasons they provide for their decisions do not include

any analysis that takes the ethnic origin of the accused into account as a factor to be considered in the imposition of penalties.

57. A bill on the definition of terrorist activity and the applicable penalties and on the amendment of the Criminal Code and Code of Criminal Procedure (bulletin No. 9.692-07, combined with No. 9669-07) is now at the first stage of consideration in the Senate. The initiative would restructure the predicate offences and establish objective forms of conduct that amount to the perpetration of terrorist offences, without reference to their purpose.

Persons of African descent

58. In 2015, the Action Plan for the Afrodescendent Population of Arica: 2015–2018 was adopted for the Arica y Parinacota Region. In addition, a survey to profile the Afrodescendent population of the Arica y Parinacota Region was carried out and the findings were presented in 2014.

Rapa Nui

59. A partnership agreement was signed in 2016 between the National Forestry Agency and the Ma'u Henua indigenous community, an entity representing the Rapa Nui people, for the joint administration of public use sites within Rapa Nui National Park. The purpose of the agreement is to include the Rapa Nui people, represented by the Ma'u Henua indigenous community, in the joint administration of public use areas. In 2018, Act No. 21.070 was adopted to regulate the exercise of the rights to reside in, stay in and travel to and from Easter Island.

B. Women

Gender-based violence (86, 87, 88,89, 90, 91, 92, 93, 94, 95, 96, 97)

60. One area of special focus in the second cycle was gender-based violence and violence against women. The total number of cases filed on possible offences of violence against women[17] between 2009 and May 2018 was 92,701. The offence of habitual ill-treatment (family violence) accounts for the largest share of these cases (34,134, or 37 per cent of the total), followed by sexual abuse involving contact with a minor under 14 years of age, as defined in article 366 bis (18,564 cases, or 20 per cent of the total). Between 2014 and 2016, the number of cases in the first category rose from 3,809 to 5,972. In 2017, however, there was a significant decline, to 4,591. This trend has been proportionally maintained in 2018 (1,542 cases as of May). It should be noted that 75 per cent of the cases filed between 2015 and 2018 have been completed, while the rest are divided between those that are still under way and those that have been suspended. With regard to femicide, the number of cases increased in the period 2014–2017, from 83 in 2014 to 148 in 2015, 177 in 2016 and 193 in 2017.

61. In addition to the establishment of the Ministry of Women's Affairs and Gender Equity and the National Service for Women and Gender Equity, important steps have been taken in terms of legislation, such as Act No. 21.013 (2017), which defines the new offence of ill-treatment.[18] In 2017, the executive branch introduced a bill on the right of women to a life free of violence; the bill is now at the first stage of consideration in the Chamber of Deputies.[19] A bill on violence in intimate partner relationships without cohabitation (bulletin No. 8851-18) is at the second stage of consideration in the Senate.[20] Another noteworthy measure is the 2014–2018 National Plan of Action on Violence against Women.[21]

62. In 2016 the Supreme Court established the Technical Secretariat for Gender Equality and Non-Discrimination, which has worked on initiatives such as a handbook of good practices in mainstreaming the gender perspective in the administration of justice and a procedure for preventing, reporting and addressing sexual harassment in the Chilean judicial system. In addition, the Public Prosecution Service has developed guidelines and a protocol on family violence[22] and has strengthened its institutional framework by establishing the Specialized Unit on Human Rights, Gender-based Violence and Sexual Offences.[23]

Political participation (38, 72, 124, 125, 126, 127)

63. The authorities have promulgated Act No. 20.840 (2015), which replaces the system of binomial voting with an inclusive proportional system that makes the Congress more representative. Since 2017, this change has required political parties to ensure that at least 40 per cent of the candidates they put forward for congressional elections are women. In the congressional election of 2017, women's representation in the Senate increased from 15.8 per cent to 23.2 per cent, while their representation in the Chamber of Deputies rose from 15.8 per cent to 23.9 per cent. The quota law will continue to apply in relation to the elections of 2021, 2015 and 2029.

64. Acts Nos. 20.900 and 20.915 (2016) amending the Constitutional Act on Political Parties establish a gender parity requirement under which women must account for at least 40 per cent of the members of party structures. Act No. 20.940 (2017) modernizing the labour relations system establishes the obligation to ensure that organizations' statutes provide for mechanisms for the inclusion of women on their executive boards, and Act No. 20.881 (2016) includes a gender requirement for the governing boards of cooperatives, thus ensuring that they reflect the gender composition of the membership.[24]

Sexual and reproductive rights (133, 134, 135, 136, 138, 139, 140, 141, 142, 143)

65. Act No. 21.030, promulgated in 2017, decriminalizes voluntary termination of pregnancy in three circumstances: danger to the woman's life, fetal non-viability, and pregnancy due to rape.[25] It provides that women shall have the right to a support programme both during and after the decision-making process. It also allows for conscientious objection on the part of health-care personnel who would normally be on duty for surgical procedures and for objection on the part of an institution, under certain conditions.

66. The Ministry of Health has updated the national standards on the regulation of fertility[26] to encourage the provision of guidance to users. In addition, it has amended the regulations on voluntary surgical contraception to ensure informed consent. The national policy on sexual and reproductive health (2018) establishes guidelines for the healthy and comprehensive development of individuals' sexual and reproductive health. Decree No. 49 (2015) on rules for the exercise of the right to education, information and guidance on fertility regulation has been amended to eliminate the rule that contraceptives, including emergency contraception, may be obtained or dispensed only with a health professional's prescription.

Equality and non-discrimination (33, 34, 35, 47, 56, 59, 60, 61, 62, 63, 64, 69, 129, 130, 131)

67. In May 2018, the current Administration introduced a gender equity agenda consisting of 12 specific measures for promoting gender equity in both the public and the private sectors. These measures include, among others: (1) a constitutional amendment providing for equality between men and women;[27] (2) a bill on the extension of maternity leave rights to members of the armed forces and law enforcement; (3) universal access to crèches;[28] and (4) greater participation by women in leadership positions.

68. A bill on the establishment of measures to protect breastfeeding and its exercise[29] and a bill on the amendment of the Labour Code to provide for equal pay between men and women[30] are currently at the second stage of consideration in the Chamber of Deputies. In addition, the Directorate of Labour has issued a number of administrative decisions in this area.[31]

69. A bill on the amendment of the Civil Code to remove impediments to remarriage is currently at the second stage of consideration in the Senate (bulletin No. 11.126-07). In addition, a bill on the amendment of the marital property regime to enable women to administer marital property and dispose of their own property without the husband's permission is at the second stage of consideration in the Senate.[32]

70. In terms of public policies, the national gender equality plan for 2018–2030[33] is intended to address key gaps between de jure and de facto equality. The authorities are also continuing to implement the gender parity initiative,[34] which is intended to increase women's participation in the workforce, to detect and reduce wage gaps based on gender

and to increase the proportion of senior management positions held by women. The Agenda for Women promotes women's increased participation in senior decision-making positions in both the public and the private sectors, and expands the coverage of the "4 to 7" programme, which is intended to facilitate the workforce participation of mothers or female caregivers of children between the ages of 6 and 13 years. Programmes on women heads of household[35] and good labour practices with gender equity[36] are being carried out through the National Service for Women and Gender Equity in order to promote women's economic empowerment.

71. In the area of labour and social security, the National Training and Employment Service administers applications for the women's employment subsidy, financed by the Ministry of Social Development, to increase the rate of formal labour-market participation among women belonging to vulnerable groups. The programme provides a financial incentive to enable them to earn the same pay levels as men.[37] Since 2009, women have received a per-child subsidy to increase their pensions. In 2017, more than 550,000 women received this subsidy.

C. Children and adolescents

Institutional framework (36)

72. The existing institutions for the protection of children and adolescents have been found to be inadequate and the country has fallen short in this regard. It is for that reason that President Sebastián Piñera has identified this area as a priority and has taken a number of measures, including the establishment of a working group on children's issues consisting of parliamentarians of different political parties, government ministers and civil society experts. In May 2018 the working group presented a "national compact for children". Its report puts forward a series of measures designed to provide appropriate protection to children and adolescents in general, to those at risk of violations of their rights and to those whose rights have already been violated.[38]

73. This effort by the executive branch has translated into administrative measures that are now being implemented and, in turn, a comprehensive legislative agenda, including a bill on the comprehensive protection of children's rights (now at the second stage of consideration); the establishment of the Juvenile Social Reintegration Service and the Child Protection Service, which replace the current National Service for Minors; an increase in the amount of the subsidy payable by the State to residences run by partner organizations; reform of the adoption system; and amendments eliminating the statute of limitations for sexual offences against children.

74. Lastly, the State is currently taking the measures recommended by the Committee on the Rights of the Child in its 2018 report.

Child labour (98, 105)

75. The bill on the comprehensive protection of children's rights provides for recognition of the right of the child to protection against violence and refers to sexual abuse and to the right of the child to be protected from economic exploitation and child labour.

76. In addition, the National Plan of Action for Children and Adolescents (2018–2025) contains commitments to put an end to all forms of violence against children and adolescents, sexual abuse, all forms of child labour and commercial sexual exploitation of children and adolescents, among other actions. The Plan includes a strategy for eradicating the sexual exploitation of children and adolescents, in line with the third framework for action in this regard, covering the period from 2017 to 2019.

77. A central register on the worst forms of child labour has been introduced and contains information supplied by the Carabineros, the Directorate of Labour and the National Service for Minors, and 18 specialized projects are being carried out to meet the needs of victims of commercial sexual exploitation of children and adolescents. Between January 2014 and August 2018, services were provided to 2,764 victims, most of whom are girls.

78. In 2014 the Ministry of Labour and Social Security established the Child Labour Observatory, a body that collects data related to child labour.[39] In addition, a national

strategy for the eradication of child labour and the protection of adolescent workers was drawn up for the period 2015–2025.

79. Act No. 20.281 on the participation of children and adolescents in public performances has been amended. In compliance with the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), the list of hazardous types of work that adolescents are not allowed to perform has been updated.[40]

Corporal punishment of children and adolescents (34, 35, 106, 107, 108)

80. Act No. 21.013 (2017), which defines a new offence of ill-treatment and increases protection for persons in special situations, expressly prohibits the physical ill-treatment of children and provides for harsher penalties in cases where the person who commits such ill-treatment has a particular duty of care.[41]

81. The National Service for Minors has implemented 264[42] targeted prevention projects involving preventive action against serious ill-treatment and sexual abuse, and 153 specialized protection programmes against criminal ill-treatment and abuse. The projects benefited 103,104 children and adolescents between January 2014 and August 2018,[43] and the programmes benefited 49,057 child and adolescent victims (rehabilitation measures). Steps were also taken to strengthen procedures for the timely reporting of any rights violations in residential centres administered by the National Service for Minors and partner organizations, in compliance with official letters Nos. 2308 and 2309 of 2013.

82. Measures are being taken to remove young children from places of detention and to ensure their protection through care in a family setting, such as that provided by the foster families programme run by the National Service for Minors since 2016 and by partner organizations pursuant to Act No. 20.032.

Access to justice (33, 34, 35, 56, 118, 119, 120)

83. In relation to the right to be heard, the judicial branch has implemented a project to equip 51 family courts (representing 85 per cent of the total) with Gesell chambers, thereby ensuring that interviews can be conducted in an appropriate setting and avoiding the revictimization of children and adolescents. In August 2018, the Supreme Court established a working group to draw up a policy for giving effect to the rights of children and adolescents.[44]

84. With respect to specialization in juvenile justice, in 2017 the National Service for Minors implemented coordination[45] and training activities for the various actors of the juvenile justice system, including staff of the Service and professionals from organizations that work with the Service. A total of 259 staff of detention centres and 298 professionals from organizations that work with the National Service for Minors were trained in such areas as procedures to be followed in response to acts that could constitute offences against children and adolescents, and the management of critical conflicts within detention centres. These actions have continued in 2018 and have been extended to public and private institutions.

85. In 2018, the National Service for Minors drew up rights-based guidelines for dealing with adolescents and young people in closed facilities[46] in order to provide specialized training to staff working in such facilities to ensure that they recognize the rights and guarantees to which adolescents are entitled. This subject was addressed in workshops held in four regions of the country.

86. The Prison Service has an Adolescent Criminal Responsibility Unit, which has carried out training workshops for staff working in local Prison Service facilities and in prison juvenile wings. Between 2014 and 2017, 27 training courses were held in different regions, involving 881 participants. Thus far in 2018, 40 staff have received training in such workshops.

87. In 2018 the Public Prosecution Service updated its general instructions[47] on procedures to be followed in relation to adolescent criminal responsibility.

88. Since the entry into force of the Adolescent Criminal Responsibility Act in 2007, the Judicial Academy has trained more than 576 judges and officials on adolescent criminal responsibility.

89. Act No. 20.802 (2015) amended the Act establishing the Public Criminal Defender Service in order to create specialized criminal defence positions for cases involving adolescents, thereby institutionalizing the system of juvenile criminal defence.[48]

D. Migrants

Legislation (178, 179, 180, 182)

90. A migration and aliens bill (bulletin No. 8.970-06) is currently at the first stage of consideration in the Chamber of Deputies. It is intended to promote safe, orderly and regular migration; the humane treatment of migrants, with equality of rights and obligations; and integration. The bill provides for a Council on Migration Policy and a National Migration Service.

Economic, social and cultural rights (39, 156, 180, 145, 181)

91. In the area of employment, since 2016, the ChileValora occupational skills certification system and the National Training and Employment Service have implemented the institutional policy on services for migrants.[49] In 2017, a total of 1,271 migrants took part in National Training and Employment Service courses under the programme of grants for job training. The Directorate of Labour launched the Migrant Labour Plan of Action 2017–2018 and, in the first half of 2018, imposed a total of 1,352 penalties on employers for violations against migrant workers.[50]

92. In education, the number of migrants in the school population has increased. Migrants enrolled in schools totalled 30,625 in 2015, 61,086 in 2016, 77,608 in 2017 and 113,585 in 2018, accounting for 3.2 per cent of total enrolment. In May 2018, the Ministry of Education introduced a national policy on foreign students for the period 2018–2022.

93. In 2017 the so-called "RUT 100" identification number was eliminated and replaced with the "provisional school identifier".[51] As a result of this measure, students retain the same identification number throughout their schooling or until such time as their immigration status is regularized and they are assigned a national identity card number, with which they can obtain certificates and gain access to benefits from the National School Support and Scholarships Board.

94. In the area of health, the establishment of the Health and Migration Sectoral Advisory Board in 2014 led to the promulgation, in 2017, of the health policy for international migrants, for which a plan of action will be drawn up.

95. In 2015 and 2016, health initiatives for migrants were piloted in some regions of the country, enriching the health-care access programme for migrants that was created in 2014 to overcome the barriers to health-care access faced by such persons. The programme is being implemented in 13 health districts and 23 communes.

96. Supreme Decree No. 67, issued in 2016, stipulates the conditions and mechanisms for certifying the eligibility of persons without resources for public health insurance from the National Health Fund, with access to all covered services free of charge. Under this Decree, migrants in an irregular situation, without a visa or without documents can qualify for benefits under the same conditions as nationals.

Access to justice (178)

97. The high courts of justice have taken on a role in protecting the fundamental rights of migrants in relation to expulsion decisions. In particular, the courts take into consideration the protection of the family,[52] the principle of legality and the obligation to state the basis for decisions.[53] The same is true with regard to the conditions of detention of migrants.[54] The Public Criminal Defender Service has a specialized defence unit for migrants, which provides legal assistance in criminal proceedings.

98. With regard to the children of non-resident foreigners, the Supreme Court has consistently upheld the nationality claims of children born in Chile to parents who are foreign nationals and whose immigration situation was irregular at the time of such children's birth. On the basis of these rulings, the standard approach now taken is to find that Chilean-born children of migrants in an irregular situation are Chilean.

Trafficking in persons and smuggling of migrants (99, 100, 101, 102, 103, 104)

99. By December 2017, 33 cases involving a total of 214 victims had been brought under Act No. 20.507, which defined this offence in 2011. Of these, 121 victims (57 per cent) are men, all of whom were being trafficked for purposes of labour, and 93 (43 per cent) are women, most of whom were being trafficked for purposes of sexual exploitation. Of this total, 16 victims are children or adolescents and 123 victims have been granted temporary residence permits.

100. Public policy in this area is coordinated by the Intersectoral Panel on Trafficking in Persons, established in 2008 by the Ministry of the Interior and Public Security. The Panel is responsible for the implementation of the National Plan of Action against Trafficking in Persons, 2015–2018. As part of this effort, handbooks have been prepared on good practices in the criminal investigation of the offence of trafficking in persons (2015), the identification and referral of victims of trafficking in persons (2016) and operating procedures for intersectoral inspections on trafficking in persons (2017).

101. The Public Prosecution Service has created a system of specialized prosecutors for the investigation of this offence and has established procedures for such investigations[55] and protocols for investigators. For the sake of protecting victims and witnesses, a risk assessment is carried out promptly and the necessary measures are taken. They are also provided with differentiated and specialized guidance, protection and support.

102. In 2013, an intersectoral agreement to approve the national plan of action against trafficking in persons was signed. It includes actions by the State, international agencies and civil society organizations. The agreement also includes an intersectoral protocol on assistance to victims of trafficking in persons.

103. With regard to female victims, the National Service for Women and Gender Equality continues to run shelters for women victims of trafficking in persons and migrants in situations of exploitation.[56] Since 2012, these shelters have accommodated more than 45 women. Procedures for the timely identification of signs of trafficking in children and adolescents were developed and disseminated in 2015. The National Service for Minors runs about 300 residential centres and specialized mobile projects as part of its assistance and protection network. In addition, 18 specialized protection projects for victims of commercial sexual exploitation of children and adolescents were launched pursuant to Act No. 20.032 and provided assistance to 40 children and adolescents, most of whom were in situations suggestive of internal trafficking, between January 2014 and August 2018.

Statelessness (123)

104. Chile is a party to the conventions on statelessness. In addition, it has implemented the "Chile Recognizes" programme to reduce the risk of statelessness for persons born in Chile whose parents are foreign nationals and who were erroneously registered as being the children of non-resident aliens. The Constitution provides that all persons born in Chile are Chilean (art. 10) unless they are the children of non-resident aliens. Both the Supreme Court and the Aliens and Migration Department have indicated that non-resident aliens are persons who have no intention of remaining in Chile (tourists or crew members), thus changing the previous understanding of which categories of persons are considered to have irregular immigration status. It should be noted that, according to the Civil Registry and Identity Service, more than 99 per cent of all births in Chilean territory have been registered (0.47 per cent have not been registered).

E. Persons with disabilities

Institutional framework (72, 157)

105. A number of laws have been adopted, including Act No. 21.015, which encourages the inclusion of persons with disabilities in the workforce (all State enterprises and agencies with 100 or more employees must ensure that persons with disabilities account for at least 1 per cent of their staff); Act No. 20.844, which establishes the rights and duties of attendees and organizers of professional football matches (preferential access must be given to persons with disabilities); Act No. 20.940 (2016), which modernizes the labour relations system to include disability as a category of discrimination; Act No. 21.021 (2017), which

is intended to provide reparation and assistance in rehabilitation and social inclusion to victims of accidents caused by mines or explosive devices of the armed forces; Act No. 21.089 (2018), which requires that playgrounds in private and public spaces be accessible to children with disabilities; Act No. 20.978 (2016), which recognizes sports adapted for persons with disabilities; and Act No. 20.957 (2016), which amended the Courts Organization Code to remove the provisions barring persons who are "deaf", "dumb" or "blind" from serving as judges or notaries.

106. The second national disability study was conducted in 2015. Its design was informed by the outcome of 17 public dialogues held in 15 regions of the country. In 2014 the National Fund for Inclusive Projects began to invite applications to fund initiatives that contribute to the inclusion of persons with disabilities in various areas.

Access to justice (157, 158, 159)

107. The judicial branch has taken measures to ensure access to justice. An online translation service for deaf persons is being piloted nationwide. It enables the user to contact a sign language interpreter through a monitor in real time. With regard to blind persons, the judicial branch has licences for the Non-Visual Desktop Access (NVDA) digital tools and the "Jaws" software.

108. In the same vein, initiatives to train staff and raise their awareness have been implemented. The Infrastructure and Maintenance Department of the Administrative Office of the Courts has implemented a policy under which the design specifications of justice facilities must meet the three criteria of transparency, information and accessibility.

109. The Legal Assistance Agency has an "Access to Justice" programme for persons with disabilities, which provides free assistance in all regions of the country.

Education and health (145)

110. In terms of education, Act No. 20.845 (2015) guarantees free primary and secondary education and ensures equitable access to education, including by ensuring that all regular educational institutions are accessible to students with disabilities. Act No. 21.091 (2018), the Higher Education Act, reflects the principles set out in the Convention on the Rights of Persons with Disabilities and requires universities to ensure that they are accessible to persons with disabilities. Decree No. 83/2015 requires the gradual incorporation of regular education in special schools, together with the use of universal design and curricular adjustments.

111. The programme of additional support to educational institutions for the inclusion of students with disabilities is intended to enable such students to participate in their teaching and learning process, thereby enhancing educational inclusiveness in schools that have implemented projects with the National Service for Persons with Disabilities. For 2018, the amounts awarded represent a total investment of US$ 560,394, benefiting 64 initiatives financed at the national level.[57]

112. The support programme for students with disabilities in institutions of higher education, introduced in 2017, provides technical aids and support services to empower students with disabilities and enhance their independence.

113. In the area of health, since 2014 a programme to support the implementation of community rehabilitation centres has been carried out in coordination with the Ministry of Health.

114. In 2018, rehabilitation teams in primary health-care facilities were given training on the subject of the sexual and reproductive rights of persons with disabilities.

F. Sexual diversity

Laws and public policies (52, 54, 55, 67, 70, 71, 72, 73, 113)

115. Act No. 20.830 (2015) created a legal institution known as a civil union agreement and allowed persons of the same sex to enter into such unions. In October 2018, under the current Administration, a bill was adopted to "recognize and protect the right to gender

identity" (bulletin No. 8924-07). It establishes a regulation under which persons over the age of 14 are allowed to change the entries on their Civil Registry and Identity Service records concerning their sex and given name when this information does not correspond or is not consistent with the requester's gender identity. The Ministry of Justice and Human Rights established a committee of experts to draft a new Criminal Code. In drafting the legislation, the committee has not included any provisions that would penalize conduct offensive to decency or morality, in line with the demands of the lesbian, gay, bisexual, transgender and intersex community.

116. In 2017 the Ministry of Education and the Office of the Superintendent of Education published a circular on the rights of transgender children and young people in the field of education, which sets out guiding principles for the educational community, school board members and school principals. It also published guidelines for the inclusion of lesbian, gay, bisexual, transgender and intersex persons, which offer suggestions for safeguarding the rights of transgender students, in addition to educational topics and learning goals for addressing this issue.

117. The Public Prosecution Service, along with sexual diversity organizations,[58] has formed an "Observatory on Violence against Lesbian, Gay, Bisexual, Transgender and Intersex Persons".

G. Older persons

118. The State is taking forward the action plan *Adulto Mayor, Adulto Mejor* ("Older Life, Better Life"), which has four core programme areas: health, safety, participation and institutions. A citizens' council of older persons was founded in 2018. It will meet twice a year and will be chaired by the First Lady and coordinated by the National Service for Older Persons. In addition, the State is implementing the judgment of the Inter-American Court of Justice in the *Vinicio Poblete* case (2018).

H. Persons deprived of their liberty

Prison system (83, 84, 85)

119. The Chilean prison system has a population of 112,248 persons deprived of their liberty,[59] of whom 50,944 are in the closed subsystem[60] and 61,306 are in the open subsystem.[61] Nationwide, prison units are at 100.4 per cent of their design capacity (overcrowded by 0.4 per cent). This percentage is not the same in facilities for women and facilities for men, with overcrowding in the latter (which are at 106.4 per cent of capacity).[62] The use of alternative sentencing, which was introduced by Act No. 20.603 (2012),[63] has been growing since 2014.[64]

120. The National Prison Service has proposed 12 guidelines to steer the institution's work in the coming years, with emphasis on improving the prison system in terms of habitability, reintegration, modernization of prison regulations (incorporating the human rights perspective based on international recommendations in this area), improvement of educational processes, modification of the classification system and provision of dignified conditions for conjugal visits, among other measures. Also worthy of note is the Life of Dignity Plan, which is designed to improve prison conditions through measures such as the acquisition of new mattresses, blankets and bunk beds, and provision of better food and better sanitary conditions.

121. A national investment plan is being drawn up with a view to moving forward with the upgrading of units in the closed system. To date, 420 initiatives have been covered, at an estimated value of US$ 253,431. Moreover, the national infrastructure plan includes six programmes based on the prioritization of correctional facilities and the national infrastructure survey.[65]

122. In parallel, a new inmate classification form has been developed to serve as a dynamic assessment tool.

Use of force in prisons (78)

123. The National Prison Service regulations on the use of force are contained in three protocols adopted in 2014.[66] Over the period 2015–2018, a total of 256 complaints of human rights violations and ill-treatment in places of detention were filed. Of these, 10 were filed by women and 246 by men. The Human Rights Protection and Promotion Unit processes complaints of rights violations at the national level.[67]

Access to justice (85)

124. The 16 regions of Chile have a prison ombudsperson system, with 55 ombudspersons and 43 social workers. There is a pilot plan[68] under which ombudspersons provide guidance to convicted persons serving non-custodial sentences in order to prevent the revocation of this privilege and the conversion of the sentence to a term of imprisonment. The Public Prosecution Service has appointed human rights officers to advise prosecutors with regard to offences committed against persons deprived of their liberty.[69]

Education (33)

125. The education provided in prisons follows the curriculum for adult basic and secondary education.[70] Access is voluntary and is governed by the fundamental learning goals and mandatory minimum content established for adult education.[71] Teaching takes place in schools within 76 facilities in the closed subsystem, which are attended by about 54 per cent of the prison population each year. For access to higher education, arrangements are made to enable inmates who wish to do so to take the university entrance examination.

Women deprived of their liberty (33)

126. The programme "Growing Together"[72] is geared towards women who are pregnant and those who are breastfeeding children up to 2 years of age who live with them in prison. The programme provided services to 1,507 women between 2015 and 2018. Between 2014 and 2017, the programme's coverage increased by 39 per cent.

127. With regard to access to education, women's prisons have their own educational facilities and educational offerings;[73] and in relation to access to health, women deprived of their liberty have access to a variety of services.[74]

I. Economic, social and cultural rights

128. In October 2018, President Sebastián Piñera unveiled an agenda of national commitments aimed at partnering with civil society in order to seek solutions for persons in the 16 most vulnerable population groups, including people living in camps, people in street situations, older persons and persons with disabilities, among others. Working groups will be set up and tasked with the design of public policy proposals for the benefit of persons in situations of multidimensional poverty.

129. With regard to poverty reduction **(40)**, the 2017 national social and economic survey found that poverty has decreased steadily, from 14.4 per cent of the population in 2013 to 8.6 per cent in 2017. Anti-poverty actions and measures are taken through the Security and Opportunities subsystem and the Ethical Family Income programme, which includes specific programmes for older persons, children and adolescents, and persons in street situations.

130. Between 2014 and 2017, the State invested over US$ 1.547 billion to combat extreme poverty, and the Security and Opportunities subsystem assisted 181,099 families living in extreme poverty and 65,354 people belonging to vulnerable groups.

131. The State has made significant strides in the area of education **(38, 57, 58, 65, 67, 73, 132, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153)**. On the legislative front, it adopted the School Inclusion Act, No. 20.845 (2015), which creates conditions in which children, adolescents and adults who attend State-subsidized schools can receive a quality education.[75] It also adopted Act No. 21.040 (2017), which creates a new system of public

education. Educational institutions will be gradually transferred from the municipalities to 70 new local school districts, thereby forming a new national public education system as a means of improving quality.

132. With regard to acts of discrimination, the Office of the Superintendent of Education is responsible for safeguarding the right to education and for dealing with complaints of discrimination in this area. A total of 758 complaints of discrimination were recorded in 2017; this represented an 18-per-cent increase over the number recorded in 2016. This upward trend has continued in 2018. In response, the Office has created a "Good School" search engine[76] to allow easy access to the regulatory requirements that educational institutions must meet. The Ministry of Education promotes the incorporation of inclusiveness-enhancing actions in management tools such as the educational improvement plan drawn up by each school. It also provides guidance for the building of inclusive school communities, such as technical guidance for the educational inclusion of foreign students (2017).[77]

133. The Ministry of Education has introduced a school quality assurance plan for the period 2016–2019, in order to develop a shared vision of education quality and to coordinate, at the territorial and national levels, the institutions that make up the quality assurance system. A national programme on education quality has been under way since 2018; its purpose is to improve education quality and accessibility at all levels, with a focus on the classroom.

134. Also in 2018, the authorities began to implement a national plan on digital languages, under which computational thinking and programming are taught in the classroom, and the "Everyone to the Classroom" national plan, which is intended to reduce the administrative burden in schools.

135. The Agenda for Women includes an initiative to design a plan to provide technical assistance and support to universities, professional institutes, technical training centres and schools with a view to the inclusion, in their regulations, of standards of conduct and protocols for preventing abuse, harassment, discrimination and ill-treatment and for establishing effective complaint procedures.

136. Of the 3,454 schools in rural areas, about 2,000 have multigrade classrooms where children and adolescents of different grade levels are taught together. For 2018, the objective has been to develop methodological proposals for achieving quality learning outcomes that will enable students to continue their education in regular schools.

137. The education system has special schools, inclusion programmes in regular schools and hospital schools and classrooms. Currently, there are 2,235 special education schools with an enrolment of 182,097 students,[78] 5,652 regular schools with inclusion programmes and 46 hospital schools. Thus, as a general estimate, there are more than 7,000 educational facilities providing specialized support to over 500,000 students with special educational needs, whether temporary or permanent and whether or not these needs are associated with disabilities.

138. In the area of health, as indicated in the midterm report, the National Health Investment Plan 2014–2018 was launched. A new plan was developed for the period 2018–2022[79] and is aimed at strengthening the health-care network through the construction, replacement, maintenance and improvement of health-care infrastructure.

139. Other noteworthy initiatives include Act No. 20.850, which creates a system of financial protection for high-cost diagnostic procedures and treatments[80] and has universal coverage; Act No. 21.063, which establishes compulsory insurance for working parents of children who have a serious health condition;[81] and the law on food labelling,[82] among others.

140. Finally, the current Administration has submitted a bill that would allow parents to bury a stillborn child under his or her own name and in dignified conditions.[83]

141. In the area of employment **(58, 65, 128)**, in 2018 a national employment strategy was launched, one of whose themes is "An inclusive Chile that welcomes everyone"; the aim is to bring more people into the labour market. Act No. 20.786 (2014) modifies the working hours, time off and pay structure for domestic workers and prohibits the requirement that a uniform be worn in public places.[84]

142. With respect to housing **(58, 65)**, the Ministry of Housing and Town Planning has adopted a rights-based approach in the areas of housing, neighbourhoods and cities, with a view to improving access for the most vulnerable groups. Examples include the operation of nine long-stay establishments for older persons and the inclusion of specific considerations related to indigenous peoples in rural habitability programmes, the Solidarity Fund for Housing Choices programme, the Integrated Housing Subsidy Scheme and the Family Property Protection Programme.

143. The agreement between the Ministry of Housing and Town Planning, the Ministry of Social Development and the National Indigenous Development Agency is being implemented in order to make further progress in offering housing solutions to indigenous peoples living in urban and rural areas. In addition, steps have been taken to eliminate barriers that were hindering foreigners' access to housing subsidies. For example, the requirement to certify five years' permanent residence in the country has been eliminated; applicants need only show that they are currently permanent residents. The rental subsidy programme has been adapted to eliminate the age limit; this has made it possible to support the access of migrants, older persons and other population groups to suitable housing. Between 2014 and June 2018, a total of 8,197 migrants received housing subsidies for permanent housing, rental housing or home improvement.

144. With regard to the environment **(177, 184)**, Chile has an environmental impact assessment system administered by the Environmental Assessment Service. Under this system, investment projects and activities likely to have environmental impacts are assessed and scored. If the environmental impact study finds that a project will have significant impacts on the environment, the study will include a mitigation, reparation and compensation plan in relation to the adverse environmental effects of the project.

145. In the area of environmental justice, the Supreme Court has established legal precedents with regard to the preservation, conservation and protection of the environment in areas such as the concept of environmental damage,[85] the level of due diligence required in order to avoid causing such damage,[86] the establishment of mitigation measures[87] and the means of determining environmental impact.[88]

J. Act on anti-discrimination measures (51, 52, 53, 54)

146. With regard to the implementation of Act No. 20.609 on anti-discrimination measures, in the period between 2012 and 2016, 234 cases were brought before courts of first instance, while 87 appeals were brought before courts of appeal and 10 before the Supreme Court; some 64 per cent of these cases have been completed. The Act has generally been invoked in relation to discrimination on grounds of illness or disability, ideology or political opinion, or sexual orientation.[89] In 9 per cent of all completed cases, the payment of fines was imposed.

147. The Office of the Minister and Secretary General of Government is now implementing the second nationwide public consultation on non-discrimination. The findings will serve as inputs for the development of amendments to Act No. 20.609.

K. Systematic, widespread and institutionalized violations (1973–1990) (114, 115, 116, 117)

148. The judicial branch has taken various actions to ensure victims' right to justice, such as the establishment of a support team for the judge in charge of coordinating cases involving human rights violations.[90] These officials are responsible for registering and processing these cases and reassigning them to judges of various courts of appeal, most of whom investigate these cases on a full-time basis.

149. With regard to cases concerning human rights violations that occurred during the dictatorship, as at 31 December 2017 a total of 1,351 cases were being processed by 13 inspecting judges. In 2017, 195 judgments were handed down at first instance. The Supreme Court issued 41 judgments in these cases under criminal and civil law.

150. Decree-Law No. 2.191 has not been applied for the past 10 years because the courts have uniformly and consistently held that statutory limitations are not applicable to the

crimes against humanity committed during the dictatorship.[91] Moreover, since 2011 the Supreme Court has held that civil actions related to such crimes are not time-barred.

151. With regard to the nature of the confidentiality requirement established by Act No. 19.992, the State, in line with the finding of the Inter-American Court of Human Rights in *Omar Humberto Maldonado Vargas et al. v. Chile* (2015), affirms that this requirement meets the criterion of proportionality.[92]

L. Police violence (77, 78, 80, 81, 82)

152. Between January 2014 and June 2018, the Public Prosecution Service filed charges for excessive use of force by police officers under two criminal offences: torture or ill-treatment committed by public servants, for acts committed prior to the entry into force of Act No. 20.968, and the offence of torture, for acts committed after the entry into force of the Act.[93] Between 2015 and May 2018, a total of 1,309 cases were filed with the justice system in relation to complaints concerning the offences of torture, other cruel, inhuman or degrading treatment, other harm inflicted by public officials and abuses against individuals.[94]

153. To investigate these cases, the Investigative Police carries out an administrative investigation to determine responsibility and penalties, without prejudice to the criminal investigation. The Investigative Police is working on the development of a record-keeping mechanism with regard to cases of torture committed by its officials, together with a national registry of cases linked to rights abuses committed by such officials.

154. In addition, at the request of the Public Prosecution Service,[95] the Investigative Police investigates complaints of human rights violations in police procedures, including those alleged to have been committed in the context of social and student demonstrations.[96] Cases where the alleged victims are members of indigenous communities are likewise investigated.[97]

155. The Carabineros have implemented three mechanisms for detecting any misconduct on the part of their officers.[98] In all cases, if an officer's misconduct constitutes a criminal offence, there is a legal obligation to report it to the criminal prosecution authority.[99]

M. Human rights education and training (48, 49, 76, 77)

156. In 2013, the Carabineros launched a new education programme on the subject of human rights as part of its education, professional development and training processes.[100] In 2017 it established a national training plan to upgrade professional skills in the area of human rights and police intervention techniques.[101] Moreover, in 2016 it began to implement a programme of human rights training in police stations.[102] Lastly, three instruments have been developed to ensure that human rights are embedded in policing.[103]

157. Since 2013, 168 officials have completed the diploma course on human rights promoted by the National Prison Service among its officials, both civilian and uniformed, and its Human Rights Protection and Promotion Unit has carried out a number of training initiatives on the subject.[104]

158. The School for Investigative Police has reformulated curricular content to include subjects that have been identified as priorities under the first national human rights plan. Since 2013, an international diploma course on human rights has been offered, and the "Ethos" programme has been implemented to provide ethics and human rights training to all Investigative Police personnel nationwide.

159. Human rights training in the judicial branch is carried out through the Judicial Academy, which offers training, professional development and certification programmes and, since 2009, various training courses on human rights.

160. Since its inauguration, the Office of the Undersecretary for Human Rights has participated in a variety of human rights training activities for police officers. It is designing an online course on the prevention of torture,[105] which is aimed especially at public officials with law enforcement responsibilities who use force in the conduct of their work.

VI. Key national initiatives and commitments

161. The Government of Chile reiterates its unqualified commitment to international human rights law and submits this report as a testament of international good faith and of its resolve to intensify its efforts to secure the full exercise of human rights without discrimination.

162. The Administration of President Sebastián Piñera is accordingly striving to promote a human rights agenda with high social impact by supporting groups whose rights have historically been violated. It is doing so through measures such as: (a) the national compact for children; (b) the Araucanía Plan (for the Mapuche people); (c) the *Adulto Mejor* plan (for older persons); and the Agenda for Women. Moreover, under the agenda of national commitments, work will be carried out with 16 social groups in situations of extreme vulnerability.[106] All these initiatives will be implemented in the framework of the national human rights plan.

163. Lastly, the State underscores its commitment to democracy, the rule of law and economic growth, which are preconditions for the emergence of a fully developed culture of promoting and protecting human rights.

Annex

Se adjunta un "Anexo" que complementa el informe:

1. Siglas
2. Acta Encuentro Sociedad Civil
3. Acuerdo Nacional por el desarrollo y la paz en la Araucanía
4. Protocolo Intersectorial de Atención a Víctimas de Trata de Personas
5. Anexo GENCHI Lineamientos
6. Anexo GENCHI Población penal
7. Estadísticas PJUD Ley 20609

Notes

[1] Ver en anexo el glosario de siglas.
[2] Se adjuntan las actas de dicha jornada como anexo.
[3] En las instancias de diálogo de esta iniciativa han participado más de 300 actores (autoridades gubernamentales, empresarios, autoridades tradicionales, dirigentes indígenas, víctimas de violencia, y representantes de las iglesias).
[4] Fueron más de 300 encuentros en todo el país y 10.000 participantes en la etapa de deliberación interna, más un encuentro nacional con los delegados de los pueblos indígenas. La consulta estuvo precedida por un Proceso Participativo Constituyente para Pueblos Indígenas, ejecutado el 2016 y donde participaron 17.016 personas.
[5] Participaron los 9 pueblos indígenas reconocidos por Ley, con 9.018 representantes de pueblos indígenas y 1.308 organizaciones. El proceso concluyó con un acuerdo sobre la versión final del Reglamento.
[6] Ver http://www.sea.gob.cl/sites/default/files/migration_files/instructivos/of_ord_ndeg_161116.pdf.
[7] Fuente: MINEDUC.
[8] En 2017, el 15,5% de la población indígena indicó haber percibido un trato discriminatorio, frente al 19,3% del año 2015. En cuanto a la población no indígena, en 2017 el 13,5% se sintió discriminado, mejorando el porcentaje de 2015 que se ubicó en 14,6%.
[9] En 2014 se realizaron un total de 15.025 atenciones a personas indígenas y comunidades, de los cuales 52,9% son mujeres indígenas. En el 2017, de las 17.291 atenciones, el 56% se realizaron a mujeres. En el año 2018 se constatan 7.987 atenciones (enero a agosto).
[10] Salvo la Región de Valparaíso.
[11] El programa incluye apoyo técnico y sociocultural, que incluye el financiamiento de actividades de consultoría y asistencia técnica a organizaciones indígenas, propiciando especialmente la participación de mujeres en tres ámbitos: (i) diálogo inicial y apertura sociocultural; (ii) elaboración y análisis de propuestas de valor; (iii) elaboración y análisis de anteproyectos de inversión. El apoyo técnico para la formulación de proyectos de alto impacto, contó con una inversión estimada de 1.575 millones de dólares a diciembre de 2017.
[12] El objetivo es desarrollar una validación de experiencias de negocio productivos reales, inclusivas y replicables, donde las comunidades indígenas sean parte de las decisiones y propiedad de dichas experiencias, bajo un esquema sostenible de largo plazo. En 2016, y con la finalidad de disminuir la brecha de desarrollo que existe entre indígenas y no indígenas se firmó un contrato de préstamo con el BID.
[13] Algunos ejemplos son "Código de Ética de Turismo Comunitario", "Fortalecimiento Integral de la Oferta Turística / Componente: Inversión y Competitividad", "Fortalecimiento de la oferta de productos de Turismo Indígena", "Elaboración de manual y levantamiento de iniciativas para el desarrollo de Turismo Indígena", entre otros.
[14] De ellas, 4 de competencia del Tribunal Oral en lo Penal de la ciudad de Temuco y 2 de Tribunales de Santiago. De las sentencias del Tribunal de Temuco, en todos los procesos los acusados tenían ascendencia mapuche. De las acusaciones formuladas ante este tribunal, 23 terminaron en absolución, 3 resultaron con condena por delito terrorista y 2 con condena no terrorista.
[15] 6° Tribunal Oral en lo Penal de Santiago. Causa RUC N°1400674179-8, RIT N°64-2017. Sentencia de 15 de marzo de 2018.
[16] Corte Suprema, causas acumuladas ROL 40.863-17, 40.860-17, 40.862-17 y 40.864-17 de fecha 19 de octubre de 2017.
[17] Oficio N° 3795 enviado el 28 de junio de 2018 del Director de la Corporación Administrativa del Poder Judicial. Según consta en el referido oficio "...en el sistema de apoyo a la gestión judicial (SIAGJ), el sexo de los participantes no es un campo de registro obligatorio, por lo tanto, no se puede precisar si la víctima de la causa, corresponde a una mujer."
[18] La Ley aumenta la pena para proteger a las mujeres (también a NNA, personas con discapacidad y personas mayores), tipifica como nuevo delito el maltrato corporal único relevante. Elimina la precalificación del maltrato habitual establecido en la Ley N° 20.066 de violencia intrafamiliar, por parte de los tribunales en materia de familia, dando cumplimiento recomendaciones previas (CEDAW).
[19] Boletín N° 11077-07. El proyecto contiene una definición de violencia contra las mujeres que adopta los estándares internacionales en la materia, reconoce los ámbitos en que puede ocurrir dicha violencia (tanto el ámbito público como el privado) y enuncia las formas que ésta puede adoptar, comprendiendo la violencia física, psicológica, simbólica, económica, sexual e institucional.
[20] Las conductas sancionadas en el proyecto se refieren a: (1) Maltrato no constitutivo de delito; (2) Delito de maltrato habitual; (3) Femicidio; (4) Violencia entre adolescentes.
[21] Su objetivo es promover el derecho a una vida libre de violencias contra las mujeres en Chile, tanto en el ámbito público como privado. Para ello se contemplaron cuatro líneas de acción estratégicas: (1)

Prevención de la VCM; (2) Articulación y fortalecimiento del Sistema de Atención en VCM; (3) Acceso a la Justicia y Sanción Efectiva; e (4) Información y Conocimiento en VCM. El Plan refuerza los mecanismos existentes de atención de mujeres que sufren violencia, a través de avances como: (1) Nuevas casas de acogida para mujeres a nivel nacional, y nuevos centros de la mujer para prevención y atención en violencia; (2) 7.650 trabajadoras/es de salud capacitadas/os en violencia de género; (3) 891 funcionarias/os públicas/os capacitadas/os en "herramientas para el abordaje de la violencia contra las mujeres"; (4) Incorporación de la PDI y el SML al Circuito Intersectorial de Femicidio; (5) Instalación de 15 circuitos regionales de femicidios que incorpora a sus funciones la prevención de femicidios frustrados; (6) Capacitaciones a funcionarios/as de Carabineros y PDI sobre la pauta unificada de evaluación inicial de riesgo de violencia contra las mujeres en contexto de pareja; (7) Salas de acogida a víctimas de violencia sexual en 16 hospitales de alta complejidad del país; (8) Atención a hombres en centros de reeducación para agresores (15 centros para HIEVPA — hombres que ejercen violencia de pareja- a nivel país). Entre 2014 y 2017 se ha atendido a 4.913 hombres y 123.241 mujeres en los distintos dispositivos de atención. A esto se suma el trabajo de SERNAMEG y sus programas (Atención, Protección y Reparación en VCM; Prevención en Violencia contra las Mujeres; y Línea de Violencia Extrema en femicidios y Casos de Violencia contra las Mujeres de Connotación Pública.

[22] La "pauta unificada de evaluación inicial de riesgo" es aplicada por personal de las policías y del MP (según donde se denuncie). Es un cuestionario estructurado por ítems que contienen preguntas con puntaje asignado, cuyo propósito es obtener, directamente de la afectada, información sobre la existencia de factores de riesgo asociados a la situación de violencia que se ha denunciado. La pauta arroja un nivel cuantitativo de riesgo que se calcula automáticamente según un algoritmo predefinido. Este permite calificar esa situación de riesgo estableciendo si éste es vital/alto, medio o bajo. Una vez obtenido el nivel de riesgo a partir de la aplicación de la pauta, se deben adoptar medidas y acciones de protección, de acuerdo a cada nivel de riesgo, según lo que se define en el protocolo que se diseñó para este fin.

[23] Resolución FN/MP N° 2078 de octubre de 2017. La nueva Área de Violencia de Género ha especializado las investigaciones criminales en los casos de violencia personas LGBTI y en delitos cometidos en contexto de violencia intrafamiliar.

[24] Si en 2013 un 5% de mujeres tenía participación en los directorios de empresas estatales, actualmente, esa cifra es de un 40%.

[25] Con esto se da cumplimiento a las recomendaciones efectuadas, entre otras, por los Comités CEDAW (CEDAW/C/CHL/CO/5-6, párr. 35.d), de Derechos Económicos, Sociales y Culturales (E/C.12/CHL/CO/4, párr. 29.a) y de Derechos Humanos (CCPR/C/CHL/CO/6, párr. 15), entre otros.

[26] Publicadas en el Diario Oficial el 05 de Enero de 2018.

[27] Fue aprobado por la Cámara de Diputados, y ahora se espera la aprobación del Senado. (Boletín N° 11758-07).

[28] El proyecto de ley crea un "Fondo Solidario para Beneficio Social de Educación Parvularia en Nivel de Sala Cuna", que les dará cobertura a hijos entre seis meses y dos años de trabajadores dependientes e independientes que cumplan con ciertos requisitos. El monto del beneficio asciende a una suma de $245.000 mensuales, más el costo de la matrícula.

[29] Boletín N° 9303-11 que se encuentra en segundo trámite constitucional en la Cámara de Diputados.

[30] https://www.camara.cl/pley/pley_detalle.aspx?prmID=9734&prmBoletin=9322-13

[31] Dictamen N° 1300/30, de 21.03.2017, de la Dirección del Trabajo. Sin reconsideración. En actual aplicación: http://www.dt.gob.cl/legislacion/1624/w3-article-111404.html
Ordinario N° 3164, de 12.07.17, de la Dirección del Trabajo.
http://www.dt.gob.cl/legislacion/1624/w3-article-112357.html
Ordinario N° 3257, de 17.07.2017, de la Dirección del
Trabajo.http://www.dt.gob.cl/legislacion/1624/w3-article-112425.html
Órdenes de Servicio y Circulares: Orden de Servicio N° 2, de 29.03.17, de la Dirección del Trabajo, que regula el procedimiento administrativo en materia de denuncia por vulneración de derechos fundamentales: www.dt.gob.cl/transparencia/OS-N2_29-03-2017.pdf
Circular 28, de 03.04.17, de la Dirección del Trabajo, que imparte instrucciones específicas sobre el procedimiento administrativo en caso de denuncia por vulneración de derechos fundamentales: www.dt.gob.cl/transparencia/Circ/N28_03-04-2017.pdf.

[32] Boletín N° 7567-07.

[33] Para elaborar este Plan se realizaron un total de 705 encuentros a nivel nacional, con 19.082 participantes, aplicándose 31.272 instrumentos, (4.388 instrumentos fueron contestados de manera virtual por funcionarias/os públicos/as). Uno de los principales logros fue la amplia participación de diversidad de mujeres: migrantes, rurales, indígenas, diversidad sexual, estudiantes, pobladoras, tercera edad, sindicalistas, trabajadoras sexuales, académicas y mujeres privadas de libertad, entre otras.

[34] Plataforma público privada impulsada por el World Economic Forum, el Banco Interamericano de Desarrollo y cuya Secretaría Ejecutiva está a cargo de la ONG Comunidad Mujer. Actualmente hay 120 empresas adheridas a la Iniciativa de Paridad de Género en Chile.

[35] Este programa promueve la autonomía económica de las mujeres jefas de hogar por medio de un conjunto de herramientas que les permitan generar y gestionar ingresos y recursos propios a partir del trabajo remunerado, el acceso a la oferta pública y de oportunidades de conciliación trabajo remunerado, doméstico y de cuidados.

[36] Estrategia de acción que busca contribuir al cambio cultural en las relaciones laborales entre mujeres y hombres en contextos organizacionales con el fin de eliminar las brechas, barreras e inequidades de género que enfrentan.

[37] El financiamiento del programa proviene de una transferencia corriente del Ministerio de Desarrollo Social en el marco de la Ley N° 20.595 en el marco del "Ingreso Ético Familiar y Sistema Chile Solidario".

[38] http://www.minjusticia.gob.cl/media/2018/07/Acuerdo_Nacional_por_la_Infancia.pdf.

[39] https://www.leychile.cl/Navegar?idNorma=1069827.

[40] https://www.leychile.cl/Navegar?idNorma=1103381.

[41] El delito de maltrato corporal relevante (artículo 403 bis del CP), sanciona con una pena de prisión en cualquiera de sus grados (1 a 60 días) o multa de una a cuatro unidades tributarias mensuales ($US 72 a $US 288), salvo que el hecho sea constitutivo de un delito de mayor gravedad. Esta sanción se aumenta a presidio menor en su grado mínimo (61 a 540 días) si quien comete el delito tiene un deber especial de cuidado.

[42] Oferta DEPRODE, julio 2018.

[43] Fuente de datos entregados: DEPLAE, SENAME, 03 septiembre 2018.

[44] Dicha política en con base en 5 ejes: promoción de derechos, diseño e implementación de políticas y protocolos, generación de datos y estadísticas, alianzas interinstitucionales y estudio y monitoreo.

[45] Estas acciones consistieron en reuniones realizadas en las diferentes regiones del país, con la participación total de 168 personas, de las cuales un 35% corresponden al PJUD, 12,5% a Defensores Penales Públicos, 11,3% a fiscales del MP, 23,8% a representantes de Organismos Colaboradores del SENAME, 11,3% a representantes de Centros Privativos de Libertad (CIP-CRC-CSC) y el resto a representantes regionales de diferentes servicios o ministerios.

[46] Memorándum N° 681 de 24 de agosto de 2018. Departamento de Justicia Juvenil, que informa a nivel nacional "Lineamiento Enfoque de Derechos para adolescentes y jóvenes que se encuentran en centros cerrados". National Service for Minors.

[47] Oficio N° 330/2018 del Fiscal Nacional, de 20 de abril de 2018.

[48] Esto supuso la incorporación de 50 defensores institucionales y 11 licitados, los cuales cubren el 86% de los casos de NNA en que participa la DPP. El 14% restante, es cubierto por defensores generales, que cuentan con capacitación en la materia.

[49] https://www.chilevalora.cl/certificacion-de-migrantes/.

[50] Mayores detalles en el reciente "Informe trimestral trabajadores extranjeros, enero-junio 2018.

[51] Ordinarios N°894 y N°329, MINEDUC.

[52] Corte Suprema, causa Rol 3990-2017, sentencia de 16 de febrero de 2017.

[53] Corte Suprema, causa Rol 7147-17, sentencia de 7 de marzo de 2017.

[54] Corte de Apelaciones de Santiago, sentencia Rol 351-2013, 9 de marzo de 2013.

[55] Criterios de actuación en materia de persecución penal y protección de víctimas" del Fiscal Nacional (Oficio FN N° 575/2015).

[56] Este dispositivo integra dos líneas de acción: la protección y atención en el espacio residencial; y la sensibilización y capacitación para una adecuada atención y detección de casos (llegando a 793 personas capacitadas).

[57] Conversión según tipo de cambio publicado por el Banco Central de Chile al 19 de octubre de 2018 (US$1=$674.68). Ver www.bcentral.cl.

[58] Movimiento de Integración y Liberación Homosexual; Organizando Trans Diversidades; Corporación Humanas; Red Chilena de Violencia hacia las Mujeres; Colectivo "Ni una Menos"; Agrupación Lésbica Rompiendo el Silencio; Fundación Todo Mejora; y Fundación Iguales. La instancia tiene como misión registrar los delitos cometidos en contra las personas LGBTI+ y asesorar a los y las fiscales en sus investigaciones criminales iniciadas por hechos de violencia motivados en razón de la identidad o expresión de género de la víctima.

[59] 99.557, hombres y 12.691 mujeres al día 31 de julio de 2018.

[60] El Subsistema Cerrado concentra un total de 50.944 PPL, de las cuales 46.799 son hombres y 4.145 son mujeres. Este subsistema incluye al Régimen de Control Cerrado en el cual se encuentran 41.432 PPL y se subdivide en Detenidos (26); Procesados (2); Imputados (14.113); y Condenados (26.577). El Subsistema Cerrado también incluye un Régimen de Control Semiabierto, donde están los Condenados en C.E.T Semiabierto el que concentra 686 PPL. Finalmente, dentro de este Subsistema

está el Régimen de Control Abierto, que reúne 8.826 PPL. Por un lado se encuentra los que tienen Beneficios de Reinserción (8.244) y por otro los Apremios (582).

61 El Subsistema Abierto concentra 61.306 PPL de las cuales 52.758 son hombres y 8.546 son mujeres. Este Subsistema se divide en primer lugar, en Medidas Alternativas en la que se encuentran 4.523 PPL y que se subdivide en: Remisión Condicional de Pena (2.991), Libertad Vigilada (1.213) y Reclusión Nocturna (319). En segundo lugar, están las Penas Sustitutivas, las que cumplen 56.781 PPL, y que se subdividen en: Remisión Condicional (31.400), Libertad Vigilada (11.221), Libertad Vigilada Intensiva (12.901), Reclusión Parcial (7.183), Prestación de Servicio en Beneficio de la Comunidad (4.044) y Expulsión (132).

62 La población recluida 24 horas, tiene un 102,7% de uso (2,7% de sobrepoblación), en el caso de los hombres el uso es de un 106,4% (6,4% de sobrepoblación), mientras que las mujeres bajo un 74,4%. Respecto a la población juvenil, hay un 12,8% de uso, y en el caso de las personas que permanecen en las unidades penales, hay un 83,6% de uso según la capacidad de diseño.

63 Ha permitido que las personas condenadas a penas sustitutivas a las penas privativas o restrictivas de libertad, pudieran cumplir dichas penas en medio abierto, mediante control de GENCHI, ya sea en un CRS o en establecimiento penal, según corresponda.

64 Respecto de los condenados hombres, ha aumentado de 18980 personas en 2014, a 49553 a agosto de 2018. Respecto de las condenadas mujeres, ha aumentado de 2580 personas en 2014, a 7782 a agosto de 2018.

65 Los programas son: Proyectos de conservación, Proyectos de inversión, Proyectos de construcción de redes contra incendio.

66 (1) Res. Ex. 9681 de fecha 15 de septiembre de 2014, que aprueba procedimiento y flujograma para el uso de la fuerza al interior de los establecimientos penitenciarios del subsistema cerrado; (2) Res. Ex. 9682 de fecha 15 de septiembre de 2014, que aprueba procedimiento y flujograma para el uso de armas de fuego y munición ante fuga o intento de fuga desde el interior de los establecimientos penitenciarios; (3) Res. Ex. 10.182 de fecha 02 de octubre de 2014, que aprueba normas aplicables a la salida de internos de los establecimientos penitenciarios y a las órdenes de libertad de imputados. Es dable señalar, que mediante Resolución Exenta N°11.354 de fecha 30 de diciembre de 2016, el procedimiento de salida y custodia de mujeres embarazadas fue modificado, a fin de adecuar la regulación a los estándares internacionales, en especial lo que dice relación con la prohibición del uso de elementos de coerción física.

67 Estas denuncias alcanzaron en los años 2016 al primer semestre de 2018, 391, 54[illegible], 178 respectivamente, relacionadas al derecho a la Integridad física y personal. En cuanto a sumarios iniciados por GENCHI, existen 455 casos desde el año 2015 a la fecha, relacionados con malos tratos por parte de su personal. De éstos en 50 casos se ha determinado una sanción, sea censura, multa o suspensión del Empleo. Por otro lado, desde diciembre de 2016 a julio de 2018 se han realizado 115 denuncias judicializadas a funcionarios por Apremios Ilegítimos, 56 casos de ellos a julio del presente año.

68 El Plan Piloto opera en las regiones de Tarapacá y en la Metropolitana Sur.

69 Resolución FN/MP N° 2078-2017 del 31 de octubre de 2017 que modifica competencias y denominación de la unidad especializada que indica por el nombre de Unidad Especializada de DDHH, Violencia de Género y Delitos Sexuales; y Resolución FN/MP N° 895-2017 del 5 de diciembre de 2017 que imparte criterios de actuación en delitos de tortura y otros tratos crueles inhumanos o degradantes.

70 Decretos Exentos N° 584/2007 y N°1000/2007. La Ley N° 21.040 de 24 de noviembre de 2017 que crea el sistema de educación pública, hace mención a la educación en contextos de encierre, estableciendo que los órganos encargados de la educación pública deberán tener en especial consideración el desarrollo de la oferta educacional para las personas que se encuentren bajo cualquier régimen de privación de libertad o programa de reinserción social.

71 Decreto Supremo de Educación N°257/2009.

72 El programa "Creciendo Juntos" posee dos componentes:
Componente 1: se atiende e interviene a mujeres embarazadas o con hijos/as lactantes de hasta 2 años que permanecen con sus madres en reclusión, sin importar su calidad procesal (imputada o condenada). Se mantiene un 100% de cobertura de atención de las mujeres que tengan alguna de estas condiciones.
Componente 2: tiene por objetivo intervenir a personas condenadas con hijos/as hasta los 12 años de edad y que presenten un nivel de riesgo alto o muy alto en el factor criminógeno familia y pareja. Se ejecuta a través del Taller de Parentalidad, que entrega herramientas técnicas y prácticas orientadas a la parentalidad positiva, promueve las competencias parentales y la vinculación afectiva de las diadas padre-hijo/a y madre-hijo/a, durante el periodo de reclusión. Respecto a este componente, 482 personas participaron del Taller de Parentalidad (254 hombres y 228 mujeres).

73 CPF Antofagasta: Centro de Educación Integral de Adultos, Dr. Antonio Rendic; CPF Talca: Liceo Técnico Profesional Aulas de Esperanza; CPF Chillán: Colegio Nueva Esperanza; CE-2014; CPF

Temuco: Colegio Manuel Rojas; CPF San Miguel: Escuela de Adultos Hugo Morales Bizama; CPF Santiago: Liceo Santa María Eufrasia. Actualmente, se cuenta con 15 plazas en el CPF Antofagasta, 225 en el CPF Talca, 155 en el CPF Chillán, 290 en el CPF Temuco, 352 en el CPF San Miguel y 416 en el CPF Santiago. En 2015 el número de mujeres matriculadas ascendía a 1.317; en 2016 a 1.356; en 2017 a 1.426; y a agosto de 2018 ascendía a 1.329.

[74] Examen Preventivo de Salud (ingreso); Dispositivos de Salud para atención de mujeres; Atenciones de salud; Atenciones odontológicas; Atenciones ginecológicas; Tratamiento de Salud Mental; y Tratamiento VIH.

[75] La iniciativa comienza a regir de forma gradual y tiene como objetivo garantizar la educación como un derecho. Esta ley otorga libertad de elección a las familias para escoger el proyecto educativo que prefieran, con disponibilidad completa de la información de cada establecimiento, sin estar condicionados a la capacidad de pago, rendimiento académico u otros tipos de discriminación para sus hijos e hijas. Junto con ello, elimina el lucro en los establecimientos que reciben aportes del Estado.

[76] https://www.supereduc.cl/buscador-buena-escuela/.

[77] https://www.mineduc.cl/2017/12/22/orientaciones-la-inclusion-educativa-los-estudiantes-extranjeros/.

[78] Alumnos matriculados en Educación Especial durante 2017 representan el 5,1% de la matrícula total. http://junarsemantics.s3.amazonaws.com/mineduc/BigData/Visualizaciones/VZ1/dist/index.html

[79] https://plandeinversionesensalud.minsal.cl/. Al mes de octubre del 2018, el Plan cuenta con 2 proyectos terminados, 26 en ejecución de obras civiles (4 de ellos bajo el contrato Diseño-Construcción) y 10 recintos en proceso de licitación.

[80] http://leyricartesoto.fonasa.cl/.

[81] http://www.suseso.cl/sel/606/w3-propertyvalue-137400.html.

[82] Ley y su reglamento, comenzaron a regir el 27 de junio del año 2016. A dos años de la implementación de la ley entró en vigencia el segundo tramo de la iniciativa, **elevando los estándares de exigencias de los límites de grasas, calorías, azúcares y sodio** en los alimentos que se comercializan.

[83] Boletín N° 5261-11.

[84] https://www.leychile.cl/Navegar?idNorma=1068531.

[85] Corte Suprema, Rol 396-2009, de 2001. Sentencia de Reemplazo, considerando 30°.

[86] Corte Suprema, Rol 396-2009, de 2001. Sentencia de Reemplazo, considerando 29°.

[87] Corte Suprema, Rol 41.417-2017 de 25 de junio de 2018. Sentencia de Reemplazo, considerando 14°.

[88] Corte Suprema, Rol 41.417-2017, de 25 de junio de 2018. Considerando 6°.

[89] Ver Anexo.

[90] El 24 de abril de 2014 (AD 739-2010), el Pleno de la Corte Suprema acordó "conformar un equipo de apoyo para actualizar la base de datos existente en materia de derechos humanos". Este equipo estará integrado por "dos personas que trabajarán con el ministro coordinador, cuya designación e implementación queda a cargo del Señor Presidente".

[91] La Corte Suprema ha resuelto en este sentido de forma permanente a partir del caso *Pedro Poblete Córdova*, Rol 469-1998 (1998).

[92] De acuerdo a la Corte, la medida de reserva "es proporcional puesto que el sacrificio inherente a la restricción no resulta (…) desmedido frente a las ventajas que se obtienen mediante tal restricción y el cumplimiento de la finalidad perseguida". Corte IDH, *Omar Humberto Maldonado Vargas y Otros v. Chile*. Serie C 300, párrafo 99.

[93] 1.187 delitos correspondientes a 1666 víctimas (273 de ellas menores de edad). En cuanto a los términos de los procesos, 457 han tenido salida judicial, 1339 salidas no judiciales y 285 han tenido otros términos. Por su parte, en cuanto al delito de apremios ilegítimos cometidos por funcionarios públicos (art. 150 D CP), hay un total de 2070 delitos ingresados correspondiente a 2639 víctimas. En cuanto a los términos, 55 han tenido salida judicial, 838 salidas no judiciales y 367 otros términos.

[94] El año que registró más ingresos fue el 2017, alcanzando un total de 505 causas. Respecto al tipo de delito, el mayor número de ingresos se concentró en tortura del inciso primero del artículo 150 del Código Penal con 456 ingresos, y en Abusos en contra de particulares establecido en el artículo 255 del Código Penal con 434.

[95] Los oficiales investigadores se han capacitado en temáticas relativas a la protección de los derechos humanos, uso de la fuerza, principio de igualdad y no discriminación y sistemas internacionales de protección a los derechos humanos, entre otras materias.

[96] Entre 2015 y 2017, el Ministerio Público expidió 183 órdenes para investigar la presunta comisión del delito de apremios ilegítimos; 144 órdenes por el delito de tormentos a detenidos; y 116 órdenes por el delito abusos contra particulares. Durante el primer semestre del año 2018, se recibieron 155 órdenes de investigación por el delito de apremios ilegítimos y otras 47 por el delito de tortura.

[97] En este contexto, en la actualidad se llevan a cabo cuatro investigaciones cuyas víctimas son integrantes de comunidades mapuches: Caso Alex Lemun: Indagatoria desarrollada por el delito de violencia innecesaria con resultado de muerte, hecho ocurrido en noviembre del año 2002; Caso

Liucura, 2018: Indagatoria seguida por los delitos de apremios ilegítimos en contra de integrantes de una comunidad mapuche, quienes acusan violencia y detención ilegal en procedimiento adoptado por Carabineros; Caso Huentelolén, 2018: Indagatoria seguida en virtud de una denuncia de comuneros mapuche que acusan apremios ilegítimos por parte de Carabineros; y Caso Los Álamos, 2018: Indagatoria seguida por la denuncia de un Lonco de una comunidad mapuche quien acusa apremios ilegítimos en un procedimiento policial de Carabineros.

98 1) sistema público de recepción de quejas de fácil acceso para el público a través de la plataforma de internet de Carabineros a cargo del Departamento de Información Pública Orden General N° 2149 de 17 de diciembre de 2012 que crea el Departamento de Información Pública, Reclamos y Sugerencias, OIRS. 2) Los/as jefes/as con responsabilidad de mando ejercen una supervisión constante de sus subalternos/as y cuentan con facultades disciplinarias. Por su parte, el personal sujeto a una indagación administrativa cuenta con asesoría letrada para la defensa de sus intereses. Orden General N° 2.253 de 17 de marzo de 2014 y Orden General N° 2.274 de 10 de junio de 2014, ambas de la Dirección General de Carabineros. 3) La búsqueda y recolección de información sobre inconductas funcionarias está a cargo del Departamento de Asuntos Internos. Para optimizar su desempeño recientemente quedó radicado en la Contraloría General de Carabineros. Orden General N°2563 de fecha 28 de marzo de 2018 de la Dirección General de Carabineros.

99 El número de denuncias penales por empleo excesivo de la fuerza es el siguiente: 2014, 36; 2015, 15; 2016, 7 (fuente: Departamento de Análisis Criminal, a partir de datos del sistema de Automatización de las Unidades Policiales, AUPOL (junio 2018).

100 El total de funcionarios que ha recibido instrucción presencial en derecho internacional de los derechos humanos entre los años 2013 y 2017 es el siguiente: a) Etapa de formación: 13.515, b) Etapa de perfeccionamiento: 5.342.

101 Se capacitó a 14.997 funcionarios a nivel nacional.

102 Hasta agosto de 2018 ha cubierto a 31.945 carabineros/as de un total de 42.020 efectivos operativos. Este mecanismo desde fines de 2018 contará además con un programa de realidad virtual.

103 (1) La Circular N° 1.756 de 2013 de la Dirección General de Carabineros que imparte instrucciones sobre el uso de la fuerza; (2) la Orden General N° 2.287 de 2014 de la Dirección General que aprobó la actualización de los 30 protocolos de intervención para el mantenimiento del orden público; y (3) la Orden General N° 2.490 de 2017 de la Dirección General de Carabineros que aprobó el "Manual de Técnicas de Intervención Policial para Carabineros de Chile. Nivel 1".

104 Prevención de la tortura; Trato a NNA; Género y Diversidad Sexual; Indigenous peoples; Discapacidad y Migración.

105 Disponible a partir del 2019.

106 https://prensa.presidencia.cl/comunicado.aspx?id=84674.

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Compilation on Chile

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. With regard to the relevant recommendations from the second cycle of the universal periodic review,[3] the United Nations country team stated that Chile had ratified the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.[4]

3. In 2015, the Committee on the Rights of the Child recommended that Chile ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.[5]

4. With regard to the relevant recommendations,[6] in 2018 the Office of the United Nations High Commissioner for Refugees (UNHCR) congratulated Chile on having acceded to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[7]

5. Chile submitted a midterm report on the implementation of the recommendations made during the second cycle of the universal periodic review, held in 2014.[8]

6. Chile is covered by the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for South America. OHCHR worked with Chile on the establishment of a national preventive mechanism against torture and provided technical assistance to, inter alia, develop guidelines on monitoring social protests and enhance the

capacity of State officials and civil society representatives to follow up on the recommendations made by international human rights mechanisms.[9]

7. Chile made annual contributions to OHCHR during the period 2013–2017, including to the United Nations Voluntary Fund for Victims of Torture and the United Nations Voluntary Fund for Indigenous Peoples.[10]

III. National human rights framework[11]

8. In 2015, the Committee on Economic, Social and Cultural Rights noted with satisfaction the process of constitutional reform that was to be undertaken. It recommended that Chile guarantee in the new text of the Constitution the rights of indigenous peoples and the comprehensive recognition and necessary legal protection of economic, social and cultural rights.[12] The United Nations country team reported that in March 2018 the bill to amend the Constitution had been submitted to Congress but that there had been no movement on the legislative front.[13]

9. With regard to the relevant recommendations,[14] the United Nations country team noted that Chile had created the Office of the Undersecretary for Human Rights and developed the first National Human Rights Plan, for 2018–2021; it recommended promoting the implementation of the Plan.[15]

10. In 2017, the Working Group on Enforced or Involuntary Disappearances acknowledged the work of the National Human Rights Institute and called upon the Government to continue to strengthen that institution's independence, guarantee the human and financial resources necessary for the successful discharge of its mandate and eliminate any institutional obstacle to the performance of its functions.[16]

11. In 2018, the Committee against Torture took note of the bill designating the National Human Rights Institute as the national mechanism for the prevention of torture; however, it regretted that Chile still did not have such a body despite having ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2008.[17] In 2016, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment urged Chile to establish a national preventive mechanism with the specific guarantees required under the Optional Protocol to the Convention against Torture.[18]

12. The United Nations country team urged Chile to establish a mechanism to follow up on the recommendations made by international human rights bodies.[19]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[20]

13. In 2016, the Special Rapporteur on extreme poverty and human rights noted that the 2012 Anti-Discrimination Act, while a major step forward in tackling discrimination, presented a number of weaknesses, such as the lack of a proper enforcement mechanism, a narrowly drawn definition of discrimination, the absence of the principle of equality between men and women, and the lack of provisions relating to affirmative action or temporary measures.[21]

14. The Committee on Economic, Social and Cultural Rights was concerned at the persistent discrimination against indigenous peoples, lesbian, gay, bisexual and transgender persons, migrants, asylum seekers and refugees, particularly in the areas of employment, education and health services.[22]

15. In 2018, the Committee on the Elimination of Discrimination against Women, while welcoming the measures taken by Chile, remained concerned about persistent discriminatory stereotypes concerning the roles of women and men in the family and in society. It recommended that Chile adopt a comprehensive strategy to overcome those stereotypes.[23]

2. Development, the environment, and business and human rights[24]

16. The United Nations country team noted the existence of so-called "sacrifice zones" — areas characterized by intensive industrial development that was causing serious environmental damage and the impoverishment of communities.[25] It recommended that Chile should investigate the negative effects on the inhabitants of those areas, speed up the implementation of socio-environmental recovery programmes, develop environmental quality standards in accordance with the international standards of the World Health Organization, and apply the Guiding Principles on Business and Human Rights in the field of natural resource exploration and exploitation.[26]

17. The Committee on Economic, Social and Cultural Rights recommended that Chile establish a clear legal framework for enterprises in order to ensure that their activities did not negatively affect the exercise of economic, social and cultural rights.[27]

18. The United Nations country team recommended speeding up adoption of the bill to create the National Service for Biodiversity and Protected Areas and designing comprehensive strategies for adapting to climate change.[28]

3. Human rights and counter-terrorism[29]

19. In 2014, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism noted that the definition of terrorism under Chilean legislation was very broad and that the Inter-American Commission on Human Rights had concluded that it contradicted the principle of legality.[30] The Committee against Torture also expressed concern at the restrictions on fundamental safeguards and procedural guarantees contained in the Counter-Terrorism Act.[31]

20. The United Nations country team noted that the anti-terrorist legislation had continued to be invoked and applied, in the vast majority of cases, against members of the Mapuche people.[32]

B. Civil and political rights

1. Right to life, liberty and security of person[33]

21. The Working Group on Enforced or Involuntary Disappearances welcomed the introduction of a bill classifying enforced disappearance as a separate offence in the Criminal Code and urged the Government to take the necessary steps to ensure its adoption.[34]

22. The Committee against Torture considered that the new definition of the offence of torture largely reflected the content of article 1 of the Convention. However, it urged Chile to explicitly include in the offence acts of torture committed for the purpose of intimidating or coercing a third party, to ensure that perpetrators of torture are punished in accordance with the seriousness of the offence and to repeal the statute of limitations as applied to the offence of torture.[35]

23. The Committee expressed its concern at the many cases of police brutality and excessive use of force by security forces against demonstrators and at consistent reports of ill-treatment of detained demonstrators, of police brutality against members of the Mapuche people in the context of evictions and raids in their communities and of acts of sexual violence by the police against women and girls during student protests.[36] In 2016, the Special Rapporteur on the right to freedom of peaceful assembly and of association also noted several reports of excessive use of force by the police in the context of protests by indigenous peoples calling for the respect of their rights, especially land rights.[37]

24. The Committee against Torture recommended that Chile should ensure that all complaints of excessive use of force by law enforcement and security personnel were subject to a prompt, impartial and effective investigation and that victims received appropriate compensation.[38] It also recommended that Chile should step up its efforts to systematically provide training to all law enforcement officers on the use of force in the context of demonstrations.[39]

25. The United Nations country team noted that Act No. 20931 of 2016 had established a new preventive identity-checking procedure permitting police officers to check the identity of any person of age, anywhere and without giving a reason, and recommended that a grievance mechanism should be put in place to prevent the arbitrary or indiscriminate use of the procedure.[40]

26. The Committee against Torture, while appreciating the efforts to improve prison conditions, recommended that Chile should step up its efforts to alleviate overcrowding in detention centres and take urgent steps to correct deficiencies in general prison conditions.[41] The Committee on the Elimination of Discrimination against Women was concerned at the high number of women in preventive detention, many of whom were the breadwinners for their families, and at the limited access to adequate health care for women in detention.[42]

27. The Subcommittee on Prevention of Torture recommended that Chile adopt a comprehensive legal framework for the prison system that was in conformity with international standards, and establish a system in which responsibility for monitoring and overseeing the execution of prison sentences was assigned to a specialized judicial body.[43]

28. The Committee on the Elimination of Discrimination against Women remained concerned about the reported use of violence by State agents against lesbian, bisexual and transgender women.[44]

29. The Committee against Torture was concerned at reports that persons with disabilities and older persons placed in residential institutions were subjected to degrading treatment, including the frequent use of restraints, forced medication and sexual abuse.[45]

2. Administration of justice, including impunity, and the rule of law[46]

30. The Working Group on Enforced or Involuntary Disappearances considered the fact that the judiciary had again confirmed the non-applicability of the Amnesty Decree-Law of 1978 to be a positive step. However, it believed that the fact that the Decree-Law remained in force failed to provide the necessary safeguards in the event of a change in judicial opinion; it regretted the lack of progress in the legislative process towards repeal of the Decree-Law.[47]

31. The United Nations country team noted that the testimony of victims of political imprisonment and torture contained in the Valech I report was still subject to the 50-year confidentiality rule; it recommended adoption of the bill giving the courts access to that information.[48]

32. The United Nations country team recommended speeding up passage of the bills to declare genocide, crimes against humanity and war crimes not subject to the statute of limitations.[49]

33. The Committee against Torture urged Chile to continue prosecuting cases of human rights violations that had occurred during the dictatorship and to ensure that the perpetrators of those crimes were sentenced in accordance with the gravity of their acts and that the sentences imposed on them were effectively enforced.[50]

34. The United Nations country team noted that the process of recognizing victims of human rights violations during the dictatorship had been carried out by three temporary truth commissions; it recommended the establishment of a standing assessment committee.[51] It also recommended that an institutional policy on comprehensive reparation for all victims of the military dictatorship should be put in place and that the Programme of Compensation and Comprehensive Health Care should be adapted to meet the needs of victims and their families.[52]

35. The Committee against Torture took note of the change in the jurisdiction of military courts. However, it considered that the reform remained insufficient insofar as the jurisdiction of the military courts in criminal matters had not been limited to crimes of a strictly military nature committed by military personnel in active service, and it urged Chile to pursue its reform of the military justice system.[53]

36. The Committee on the Elimination of Discrimination against Women welcomed the establishment of the Technical Secretariat for Gender Equality and Non-Discrimination in the Supreme Court. However, it was concerned at the institutional, procedural and practical barriers faced by women in gaining access to justice.[54]

3. Fundamental freedoms and the right to participate in public and political life[55]

37. The Committee on the Elimination of Discrimination against Women welcomed the adoption of Act No. 20840 (2015) establishing a proportionate, inclusive electoral system for congressional elections, putting an end to the binominal system.[56]

38. The Special Rapporteur on freedom of peaceful assembly and of association considered the framework regulating the right to peaceful assembly in Chile to be a de facto authorization regime. He recommended that Chile adopt new legislation that required, at most, prior notification of peaceful assemblies, with the exception of spontaneous assemblies, which should be exempt from notification requirements.[57]

39. The Special Rapporteur noted that the police protocols governing practical management of protests contained a series of positive principles, but also a number of problematic points, including in relation to the definition of "lawful assembly" and the specification of the different means of intervention allowed. He recommended that Chile ensure the compatibility of the police protocols with international human rights standards.[58] He also noted the reported use of excessive force by police special forces when managing protests.[59]

40. The United Nations Educational, Scientific and Cultural Organization (UNESCO) had recorded no killings of journalists or media workers in Chile since 2008.[60] It recommended decriminalizing defamation and placing it within a civil code that was in accordance with international standards.[61]

4. Prohibition of all forms of slavery[62]

41. The Committee against Torture noted that the criminal offence of trafficking in persons did not include acts of trafficking for the purpose of labour exploitation and called on Chile to bring its legislation into line with international standards.[63]

42. While the United Nations country team recognized the efforts made by Chile to prosecute and punish traffickers, it noted that the number of convictions was still low.[64]

43. UNHCR recommended that Chile implement regular training of border police and migration authorities on the identification of victims of trafficking, bring to justice perpetrators, and ensure access to adequate rehabilitation services.[65]

5. Right to privacy and family life[66]

44. The United Nations country team noted that in 2015 the Act Creating the Civil Union Agreement had been adopted in order to regulate the legal effects of shared emotional life between two persons of the same or opposite sex.[67]

45. The Committee on the Elimination of Discrimination against Women recommended that Chile adopt the draft law on same-sex marriage (bill No. 11422-07) and ensure filiation rights and parental rights were protected.[68]

46. In 2015, the Committee on the Rights of the Child was concerned that Chilean legislation provided the possibility for children to get married at the age of 16, with the authorization of their parents or legal representatives. It recommended that Chile set the minimum age for marriage at 18 years in all circumstances.[69]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[70]

47. In 2017, the ILO Committee of Experts on the Application of Conventions and Recommendations noted the adoption of the Modernization of the Labour Relations System, but indicated that a number of issues remained unaddressed.[71] The Special Rapporteur on freedom of peaceful assembly and of association urged Chile to continue to take measures to bring its legislation into full compliance with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98).[72]

48. In 2015, the Working Group on the issue of discrimination against women in law and in practice, while welcoming Chile's efforts, was concerned at the low percentage of women in the labour market and noted that rates of unemployment for women remained higher than for men.[73] The Committee on the Elimination of Discrimination against Women recommended expediting the adoption of bill No. 9.322-13 on equal pay for equal work.[74]

49. The Committee welcomed the adoption of Act No. 21015 (2015) encouraging the integration of persons with disabilities into the labour market.[75]

50. The Committee also welcomed the adoption of Act No. 20786 (2014) on domestic workers. It recommended that Chile ensure that labour legislation was applied to domestic workers, including through systematic labour inspections and awareness-raising activities.[76]

2. Right to social security[77]

51. The Committee on the Elimination of Discrimination against Women noted with concern that the pension system disproportionately disadvantaged women because they were often employed in the informal sector, were paid inconsistently and performed unpaid care work. The Committee recommended that Chile further review its pension system to eliminate all provisions that discriminated against women.[78]

3. Right to an adequate standard of living[79]

52. The Special Rapporteur on extreme poverty noted that, despite the extraordinary progress made by Chile since the end of the dictatorship, troubling rates of poverty and extreme poverty persisted among some population groups and inequality levels were extremely high.[80] He urged Chile to adopt a carefully targeted comprehensive anti-poverty plan that specifically addressed both poverty and extreme poverty, and to establish more effective mechanisms to coordinate the existing poverty eradication programmes.[81]

53. In 2018, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, noted that Chile had successfully delivered homeownership to a large number of low- and middle-income households, but that security of tenure in those cases had come at the expense of essential aspects of housing as a human right, such as location, quality and habitability, access to transportation and employment opportunities.[82] She indicated that Chile required a human rights-based, comprehensive social housing strategy.[83]

54. The United Nations country team was concerned about the decline in the availability of fresh water per capita and the rather inefficient use of water.[84] The Committee on Economic, Social and Cultural Rights was concerned by the limited access to drinking water and sanitation services, in particular in rural areas, and the disproportionate and unsustainable use of water by the mining industry.[85]

55. The Committee on the Elimination of Discrimination against Women noted with satisfaction the commitment of Chile to implement the Sustainable Development Goals, including through the creation of a national council for the implementation of the 2030 Agenda for Sustainable Development.[86]

4. Right to health[87]

56. The Committee on Economic, Social and Cultural Rights recommended that Chile continue its efforts to ensure the accessibility, availability, affordability and quality of health care, paying special attention to the needs of disadvantaged and marginalized groups.[88]

57. The Working Group on the issue of discrimination against women in law and in practice recommended that Chile develop a strategy to prevent teenage pregnancies, integrating mandatory sex education into all schools from the primary level.[89] It also noted that, although Act. No. 20418 guaranteed access to contraceptives of all kinds, in practice difficulties existed regarding unequal access to contraceptives and non-availability of emergency contraception in many municipalities.[90]

58. The Committee on the Elimination of Discrimination against Women welcomed the adoption of Act No. 21030 (2017) easing the total ban on abortion by legalizing voluntary termination of pregnancy on three grounds: in cases of rape, where there was a threat to the life of the pregnant woman, and where the fetus was fatally impaired. However, it was concerned about the continued potential risk to women posed by illegal and unsafe abortions and about conscientious objection on the part of individuals or institutions, which might unintentionally hinder women's access to safe abortion, especially in rural and remote areas.[91] It recommended that Chile extend the scope of Act No. 21030 to decriminalize abortion in all cases and apply strict justification requirements to prevent the blanket use of conscientious objection.[92]

59. The Working Group on the issue of discrimination against women in law and in practice noted that the maternal mortality rate was one of the lowest in Latin America, with 22.1 deaths per 100,000 live births.[93]

60. The United Nations country team noted that obesity rates were alarming and that food insecurity was closely linked to poverty, generally concentrated in the rural areas of the country. It recommended the development of legislative and institutional policies and frameworks for the realization of the right to food, as well as a national platform on food policy.[94]

61. The Committee on the Elimination of Discrimination against Women recommended that Chile explicitly prohibit the performance of unnecessary surgical or other medical treatment on intersex children until they reached an age at which they were able to give their free, prior and informed consent, and provide families with intersex children with adequate counselling and support.[95]

5. Right to education[96]

62. The United Nations country team stressed that in the past five years Chile had made progress in reform of the education system, noting the adoption of the Inclusive Education Act and the Act establishing the public education system. However, it noted that there were significant differences in learning depending on students' families' socioeconomic status; it recommended adoption of a public policy of inclusive education and reinforcement of the quality of education from early childhood up to the end of secondary education.[97]

63. In 2017, the Special Rapporteur on the right to education recommended that Chile adopt a law on financing education to ensure that public resources for education were available on a sustainable basis.[98]

64. UNESCO noted that both public and private schools continued to select students on arbitrary criteria or based on their socioeconomic background. It encouraged Chile to eliminate all mechanisms that resulted in the discrimination and segregation of students and to foster the development of a better regulatory and monitoring framework in private institutions.[99]

65. UNESCO encouraged Chile to provide minority groups and indigenous people with quality educational services, including the use of indigenous languages in schools, and address the high financial costs of education.[100]

66. The Committee on the Elimination of Discrimination against Women recommended that Chile revise curricula to eliminate gender stereotyping and ensure that gender-sensitive teaching materials were available.[101]

67. The Committee on the Rights of the Child recommended that Chile develop a comprehensive strategy to prevent and address all forms of violence against children in educational settings, including gender-based violence.[102]

D. Rights of specific persons or groups

1. Women[103]

68. The Working Group on the issue of discrimination against women in law and in practice noted that Chile had made significant progress towards gender equality, but that there was still a large gap between the principles of equality and the actual rights of women.[104]

69. The Committee on the Elimination of Discrimination against Women recommended that Chile adopt, as a matter of priority, a comprehensive legal definition of all forms of discrimination against women and establish, in its Constitution or other legislation, the principle of formal and substantive equality between women and men.[105]

70. The Committee welcomed the creation of the Ministry for Women and Gender Equity and the development of the fourth national plan on equality between women and men for the period 2018–2030. It recommended that Chile ensure the adequate allocation of resources to the Ministry, thereby allowing for the full implementation of the national plan.[106]

71. In 2018, the United Nations Development Programme (UNDP) indicated that the entry into force of electoral quotas had yielded positive results. It also stated that the next step on the road towards greater equity would be the narrowing of gender gaps in campaign financing.[107]

72. The United Nations country team recommended expediting the enactment of bill No. 7567-07 to ensure equal rights of men and women in the new matrimonial property regime.[108]

73. The Working Group on the issue of discrimination against women in law and in practice noted that, despite the programmes and measures that had been developed, violence against women in Chile remained prevalent.[109] The United Nations country team recommended speeding up adoption of the bill on women's right to a life free from violence, amending the Domestic Violence Act to remove the criterion of "habitual ill-treatment" and expediting adoption of the bill to criminalize harassment in the street.[110]

2. Children[111]

74. With regard to the relevant recommendations,[112] the United Nations country team noted that in 2018 laws had been passed establishing the Office of the Children's Ombudsman and the Office of the Undersecretary for Children.[113]

75. The Committee on the Rights of the Child was concerned that the Juvenile Act of 1967 had a tutelary approach. It recommended that Chile enact a law on the comprehensive protection of children's rights in conformity with the Convention on the Rights of the Child.[114]

76. With regard to the situation of children and adolescents deprived of a family environment living in residential centres under the direct or indirect control of the National Service for Minors, the Committee on the Rights of the Child considered that Chile was responsible for gross systematic violations of the rights set forth in the Convention on the Rights of the Child. The Committee considered that such violations were primarily the result of four structural causes: (a) the use of a tutelary approach to childhood; (b) an incorrect interpretation of the subsidiary nature of the State; (c) an excessive judicialization

of the system; and (d) insufficient human, technical and financial resources in the system; and made recommendations to address them.[115]

77. The Committee against Torture urged Chile to ensure that all cases of killings and allegations of torture, ill-treatment and sexual abuse of children and adolescents placed in the network of residential centres of the National Service for Minors and its partner agencies were promptly and impartially investigated.[116]

78. The Committee on the Rights of the Child recommended that Chile criminalize sexual offences, including sexual exploitation, against children and ensure that cases of sexual abuse of children, including by members of the Catholic clergy, were effectively investigated and prosecuted.[117]

79. The Committee also recommended that Chile adopt a comprehensive law that explicitly prohibited corporal punishment against children in all settings and included measures to raise awareness about positive, non-violent and participatory forms of child-rearing.[118]

80. While noting that Act No. 20084 (2007) provided for a special juvenile justice criminal system, the same Committee remained concerned that the Act did not establish a duly dedicated judicial system, with specialized judges, prosecutors and defence attorneys. It recommended establishing such a system.[119]

81. In 2017, the ILO Committee of Experts requested Chile to continue its efforts to ensure the progressive elimination of child labour, particularly within the context of the National Strategy for the Elimination of Child Labour and the Protection of Young Persons.[120]

3. Persons with disabilities[121]

82. In 2016, the Committee on the Rights of Persons with Disabilities recommended that Chile adopt a plan to fully harmonize laws and policies, with a view to bringing them into line with the Convention on the Rights of Persons with Disabilities.[122]

83. The Committee also requested Chile to establish an independent mechanism to monitor the implementation of the Convention that satisfied the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It recommended involving organizations of persons with disabilities in both implementing and monitoring compliance with the Convention.[123]

84. The Committee recommended that Chile adopt a general accessibility plan covering transportation, public buildings and facilities, information and communication, in both urban and rural areas.[124]

85. The Committee requested Chile to repeal all legal provisions that limited the legal capacity of adults with disabilities and to establish a supported decision-making model that respected the autonomy, will and preferences of persons with disabilities.[125]

86. The Committee urged Chile to combat stereotypes and discrimination in the media and launch public awareness campaigns to promote persons with disabilities as rights holders rather than objects of charity.[126]

4. Minorities and indigenous peoples[127]

87. The United Nations country team noted that, until the 2017 parliamentary elections, there had been no indigenous representative in Congress and that the change of electoral system had facilitated the entry of three indigenous representatives. It recommended that measures should be developed to allow for proper representation of indigenous peoples in forums for discussion and formal representation in Chile.[128]

88. The Committee on Economic, Social and Cultural Rights remained concerned by the absence of a legal mechanism guaranteeing that the free and informed prior consent of indigenous peoples was obtained with regard to decisions that might affect their economic, social and cultural rights.[129]

89. The Special Rapporteur on extreme poverty noted that poverty rates were especially high among indigenous peoples and recommended that Chile prepare, in consultation with all concerned groups, a comprehensive strategy for the elimination of indigenous poverty. He stressed the importance of addressing the issue of land rights for the elimination of indigenous poverty and the need for a major increase in the financial resources allocated for that purpose.[130]

90. The United Nations country team reported that there was no mechanism for the restitution of indigenous peoples' lands, but there was a land purchase mechanism for indigenous peoples; and that there was no indigenous land and water register that would permit the quantitative assessment of demands and possible solutions for reparation.[131]

91. In 2017, the Special Rapporteur on the rights of indigenous peoples, the Working Group on Arbitrary Detention and the Special Rapporteur on counter-terrorism urged Chile to refrain from using the antiterrorism law to deal with events that had occurred in the context of social protests by Mapuche peoples seeking to claim their rights. They noted that it was not the first time that human rights concerns had been raised over the issue and that Chile had previously given assurances that the antiterrorism law would not be used against Mapuche community members.[132]

92. The United Nations country team noted that in 2016 the bill to recognize the Afrodescendent population had been introduced, and recommended its adoption.[133]

5. Migrants, refugees, asylum seekers and internally displaced persons[134]

93. UNHCR noted that in Chile, migration issues were still regulated by Decree No. 1904 of 1975, which no longer adequately responded to the dynamics of mixed migration flows. UNHCR noted that relevant bills had been brought before the National Congress. It recommended that Chile adopt the new migration law, ensuring that it included protection-sensitive entry mechanisms for people in need of international protection and access to fair, efficient and gender-sensitive refugee status determination procedures.[135]

94. In 2014, the Human Rights Committee recommended that Chile ensure that persons subject to deportation proceedings benefited from an effective right to be heard and to have proper representation and sufficient time to lodge appeals against expulsion decisions.[136]

95. The Committee on the Elimination of Discrimination against Women welcomed the fact that, since July 2017, children and adolescents had been granted temporary visas under the "Chile Te Recibe" programme, irrespective of the migratory status of their parents.[137]

96 The Committee on the Rights of the Child recommended that Chile implement a comprehensive plan for the social inclusion of migrants, including conducting awareness-raising campaigns to promote respect and inclusion.[138]

6. Stateless persons

97. The United Nations country team noted that national legislation did not yet define the concept of stateless persons and that the country lacked a national procedure for determining statelessness.[139]

98. UNHCR noted that, while the Constitution provided that children born to foreigners in transit could not acquire Chilean nationality, in 2014 the Government had limited the "foreigners in transit" category to tourists and crew members. Consequently, children born in Chile of foreigners in an irregular situation acquired Chilean nationality at birth.[140] It recommended that Chile anchor the interpretation of the term "foreigner in transit" in the new migration law.[141]

99. UNHCR also noted the inter-institutional initiative "Chile Reconoce", confirming Chilean nationality to children of foreigners in transit.[142] The Committee on the Elimination of Discrimination against Women recommended that Chile continue that initiative and expedite the regularization process to grant Chilean nationality to all children.[143]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Chile will be available at www.ohchr.org/EN/Countries/LACRegion/Pages/CLIndex.aspx.

[2] For relevant recommendations, see A/HRC/26/5, paras. 121.1–121.17, 121.50 and 122.1.

[3] A/HRC/26/5, paras. 121.9 (Philippines), 121.10 (Madagascar), and 121.11 (Montenegro).

[4] Country team submission, pp. 3–4. See also CEDAW/C/CHL/CO/7, para. 6 (b), and A/HRC/29/40/Add.1, para. 8.

[5] CRC/C/CHL/CO/4-5, para. 92. See also CEDAW/C/CHL/CO/7, para. 11, E/C.12/CHL/CO/4, para. 32, A/HRC/37/53/Add.1, para. 86 (q), A/HRC/32/31/Add.1, para. 72, A/HRC/29/40/Add.1, para. 82 (a), country team submission, p. 4, and http://acnudh.org/acnudh-e-indh-realizan-taller-de-formacion-en-congreso-de-chile/.

[6] A/HRC/26/5, para. 121.17 (Azerbaijan).

[7] www.acnur.org/noticias/briefing/2018/4/5af2e93b17/acnur-felicita-a-chile-por-su-adhesion-a-las-convenciones-de-naciones-unidas-sobre-apatridia.html, UNHCR submission for the universal periodic review of Chile, p. 1, CEDAW/C/CHL/CO/7, para. 6 (a), and CAT/C/CHL/CO/6, para. 4 (b)–(c).

[8] See www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx.

[9] OHCHR, "Americas", in *OHCHR Report 2017*, pp. 238–239, *OHCHR Report 2016*, pp. 209–211, *OHCHR Report 2015*, pp. 190–191, *OHCHR Report 2014*, pp. 204–205, and *OHCHR Report 2013*, pp. 261–262.

[10] OHCHR, *OHCHR Report 2017*, pp. 117–118 and 125, *OHCHR Report 2016*, pp. 79, 88, 116–117 and 123, *OHCHR Report 2015*, pp. 61, 70, 98–99 and 104, *OHCHR Report 2014*, pp. 63, 72, 100–101 and 108, and *OHCHR Report 2013*, pp. 131, 135, 165 and 169.

[11] For relevant recommendations, see A/HRC/26/5, paras. 121.18, 121.23–121.25, 121.27–121.29, 121.41–121.46 and 121.58.

[12] E/C.12/CHL/CO/4, paras. 7–8. See also A/HRC/37/53/Add.1, paras. 13 and 85 (a), and A/HRC/32/31/Add.1, paras. 25 and 71.

[13] Country team submission, p. 6.

[14] A/HRC/26/5, paras. 121.27 (Indonesia), 121.28 (Peru), and 121.29 (Turkey).

[15] Country team submission, p. 1. See also A/HRC/37/53/Add.1, paras. 79 and 84 (p), A/HRC/36/39/Add.3, para. 27, A/HRC/32/36/Add.1, para. 10, CEDAW/C/CHL/CO/7, paras. 4 (b) and 5 (b), CAT/C/CHL/CO/6, paras. 5 (j) and 6 (a), and http://acnudh.org/chile-oficina-regional-del-acnudh-saluda-creacion-de-subsecretaria-de-derechos-humanos/.

[16] A/HRC/36/39/Add.3, para. 24. See also CCPR/C/CHL/CO/6, para. 6, E/C.12/CHL/CO/4, para. 9, A/HRC/32/36/Add.1, para. 47, and http://acnudh.org/acnudh-reconoce-trabajo-de-indh-de-chile/.

[17] CAT/C/CHL/CO/6, para. 16. See also CRPD/C/CHL/CO/1, para. 38, and CCPR/C/CHL/CO/6, para. 18.

[18] CAT/OP/CHL/1, paras. 15 and 17. See also CAT/OP/CHL/1/Add.1, paras. 18–20, country team submission, pp. 8–9, and CAT/C/CHL/CO/6, para. 17.

[19] Country team submission, p. 1.

[20] For relevant recommendations, see A/HRC/26/5, paras. 121.47, 121.51–121.57, 121.65–121.66, 121.68 and 121.70–121.73.

[21] A/HRC/32/31/Add.1, paras. 36–37. See also CCPR/C/CHL/CO/6, para. 11, and E/C.12/CHL/CO/4, para. 12.

[22] E/C.12/CHL/CO/4, para. 12. See also CRC/C/CHL/CO/4-5, para. 24, CCPR/C/CHL/CO/6, para. 14, and A/HRC/29/40/Add.1, para. 69.

[23] CEDAW/C/CHL/CO/7, para. 20. See also CCPR/C/CHL/CO/6, para. 11, CRC/C/CHL/CO/4-5, para. 24, E/C.12/CHL/CO/4, para. 13, A/HRC/32/31/Add.1, para. 42, and country team submission, p. 2.

[24] For the relevant recommendation, see A/HRC/26/5, para. 121.184.

[25] Country team submission, p. 12.

[26] Ibid., p. 13.

[27] E/C.12/CHL/CO/4, para. 11. See also CRC/C/CHL/CO/4-5, paras. 20–21.

[28] Country team submission, p. 13.

[29] For the relevant recommendation, see A/HRC/26/5, para. 121.22.

[30] A/HRC/25/59/Add.2, para. 43.

[31] CAT/C/CHL/CO/6, paras. 18–19. See also A/HRC/25/59/Add.2, paras. 55 and 93, CCPR/C/CHL/CO/6, para. 7, CCPR/C/CHL/CO/6/Add.1, paras. 2–20, CCPR/C/CHL/CO/6/Add.2, paras. 2–6, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22209&LangID=S, and country team submission, p. 8.

[32] Country team submission, p. 7.

[33] For relevant recommendations, see A/HRC/26/5, paras. 121.21, 121.26, 121.48, 121.74–121.79, 121.81–121.85 and 121.112.
[34] A/HRC/36/39/Add.3, para. 6.
[35] CAT/C/CHL/CO/6, paras. 10–11. See also CAT/OP/CHL/1/Add.1, paras. 22–30, and country team submission, p. 8.
[36] CAT/C/CHL/CO/6, para. 22. See also CRC/C/CHL/CO/4-5, para. 36, A/HRC/32/36/Add.1, paras. 42 and 54, CAT/OP/CHL/1, para. 114, and A/HRC/25/59/Add.2, para. 69.
[37] A/HRC/32/36/Add.1, paras. 58 and 68.
[38] CAT/C/CHL/CO/6, para. 23 (a). See also CCPR/C/CHL/CO/6, para. 19, CCPR/C/CHL/CO/6/Add.1, paras. 42–64, CRC/C/CHL/CO/4-5, para. 42. A/HRC/32/36/Add.1, para. 54, and A/HRC/25/59/Add.2, para. 95.
[39] CAT/C/CHL/CO/6, para. 23 (c). See also CCPR/C/CHL/CO/6, para. 19, and CCPR/C/CHL/CO/6/Add.1, paras. 43–45.
[40] Country team submission, p. 9. See also A/HRC/32/36/Add.1, paras. 75–77 and 106 (k).
[41] CAT/C/CHL/CO/6, paras. 28–29. See also CCPR/C/CHL/CO/6, para. 21, CAT/OP/CHL/1, paras. 81–83, and CAT/OP/CHL/1/Add.1, paras. 94, 123 and 131.
[42] CEDAW/C/CHL/CO/7, paras. 48–49. See also CAT/C/CHL/CO/6, paras. 28–29, and CAT/OP/CHL/1, paras. 84–85.
[43] CAT/OP/CHL/1, paras. 38 and 40. See also CAT/OP/CHL/1/Add.1, paras. 34–44.
[44] CEDAW/C/CHL/CO/7, para. 24.
[45] CAT/C/CHL/CO/6, para. 38. See also CRPD/C/CHL/CO/1, paras. 33–34.
[46] For relevant recommendations, see A/HRC/26/5, paras. 121.19–121.49, 121.109–121.111 and 121.113–121.117.
[47] A/HRC/36/39/Add.3, para. 8. See also country team submission, p. 9.
[48] Country team submission, p. 9. See also CAT/C/CHL/CO/6, paras. 48–49, and A/HRC/36/39/Add.3, para. 13.
[49] Country team submission, p. 9. See also CAT/C/CHL/CO/6, paras. 46–47, and A/HRC/36/39/Add.3, para. 7.
[50] CAT/C/CHL/CO/6, para. 45.
[51] Country team submission, p. 9. See also CAT/C/CHL/CO/6, para. 51, AHRC/36/39/Add.3, para. 10.
[52] Country team submission, p. 9. See also CAT/C/CHL/CO/6, paras. 52–53, and A/HRC/36/39/Add.3, para. 25.
[53] CAT/C/CHL/CO/6, paras. 14–15. See also A/HRC/36/39/Add.3, para. 22, CAT/OP/CHL/1, para. 26, A/HRC/36/39/Add.3, para. 22, and A/HRC/32/36/Add.1, paras. 80–85.
[54] CEDAW/C/CHL/CO/7, para. 14.
[55] For relevant recommendations, see A/HRC/26/5, paras. 121.168–121.67 and 121.80.
[56] CEDAW/C/CHL/CO/7, para. 4 (h). See also A/HRC/32/31/Add.1, paras. 32 and 34.
[57] A/HRC/32/36/Add.1, paras. 17–20 and 106 (b). See also country team submission, p. 9.
[58] A/HRC/32/36/Add.1, paras. 24–38, and 106 (c). See also country team submission, p. 8.
[59] A/HRC/32/36/Add.1, paras. 41 and 106 (e).
[60] UNESCO submission for the universal periodic review of Chile, para. 8.
[61] Ibid., para. 18.
[62] For relevant recommendations, see A/HRC/26/5, paras. 121.99 and 121.100–121.104.
[63] CAT/C/CHL/CO/6, paras. 54–55.
[64] Country team submission, p. 6.
[65] UNHCR submission, p. 4. See also CEDAW/C/CHL/CO/7, para. 27.
[66] For relevant recommendations, see A/HRC/26/5, paras. 121.96 and 121.121–121.122.
[67] Country team submission, p. 2. See also CEDAW/C/CHL/CO/7, para. 4 (f).
[68] CEDAW/C/CHL/CO/7, para. 51 (b). See also country team submission, p. 2.
[69] CRC/C/CHL/CO/4-5, paras. 22–23. See also CEDAW/C/CHL/CO/7, para. 50.
[70] For relevant recommendations, see A/HRC/26/5, paras. 121.128–121.130.
[71] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3297604:NO. See also A/HRC/32/36/Add.1, para. 94.
[72] A/HRC/32/36/Add.1, para. 97.
[73] A/HRC/29/40/Add.1, paras. 43–44. See also E/C.12/CHL/CO/4, para. 15.
[74] CEDAW/C/CHL/CO/7, paras. 36–37. See also E/C.12/CHL/CO/4, para. 13, A/HRC/29/40/Add.1, para. 45, country team submission, p. 3, and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3294921:NO.
[75] CEDAW/C/CHL/CO/7, para. 4 (c).
[76] Ibid., para. 37. See also country team submission, p. 3, and E/C.12/CHL/CO/4, para. 17.
[77] For relevant recommendations, see A/HRC/26/5, paras. 121.62 and 121.131.

[78] CEDAW/C/CHL/CO/7, paras. 40–41. See also E/C.12/CHL/CO/4, para. 20, A/HRC/29/40/Add.1, para. 30, and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3294933:NO.
[79] For relevant recommendations, see A/HRC/26/5, paras. 121.33 and 121.39–121.40.
[80] A/HRC/32/31/Add.1, paras. 6, 10 and 13–15. See also A/HRC/37/53/Add.1, paras. 5–7, A/HRC/32/31/Add.1, paras. 13–14, and A/HRC/29/40/Add.1, para. 4.
[81] A/HRC/32/31/Add.1, paras. 20 and 64–65. See also E/C.12/CHL/CO/4, para. 24, and CEDAW/C/CHL/CO/7, paras. 40–41.
[82] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21554&LangID=E. See also A/HRC/37/53/Add.1, paras. 18–20.
[83] A/HRC/37/53/Add.1, para. 84. See also E/C.12/CHL/CO/4, para. 26.
[84] Country team submission, p. 12.
[85] E/C.12/CHL/CO/4, para. 27.
[86] CEDAW/C/CHL/CO/7, para. 8. See also CRPD/C/CHL/CO/1, paras. 65–66, CRPD/C/CHL/CO/1/Add.1, p. 6, and A/HRC/37/53/Add.1, para. 17.
[87] For relevant recommendations, see A/HRC/26/5, paras. 121.37 and 121.132–121.145.
[88] E/C.12/CHL/CO/4, para. 28.
[89] A/HRC/29/40/Add.1, para. 84 (l).
[90] Ibid., paras. 59 and 84 (k).
[91] CEDAW/C/CHL/CO/7, paras. 4 (a) and 38. See also country team submission, p. 10.
[92] CEDAW/C/CHL/CO/7, para. 39. See also country team submission, p. 10.
[93] A/HRC/29/40/Add.1, para. 5.
[94] Country team submission, pp. 11–12. See also CRC/C/CHL/CO/4-5, paras. 58–59, and E/C.12/CHL/CO/4, para. 25.
[95] CEDAW/C/CHL/CO/7, para. 23. See also country team submission, pp. 2 and 10.
[96] For relevant recommendations, see A/HRC/26/5, paras. 121.146–121.156.
[97] Country team submission, p. 11. See also CRPD/C/CHL/CO/1, para. 50 (a), A/HRC/35/24/Add.1, paras. 98– 99, and UNESCO, paras. 10–16.
[98] A/HRC/35/24/Add.1, para. 112. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19779&LangID=E.
[99] UNESCO, para. 13. See also CRC/C/CHL/CO/4-5, paras. 67–68.
[100] UNESCO, para. 14. See also A/HRC/35/24/Add.1, para. 123.
[101] CEDAW/C/CHL/CO/7, para. 35. See also A/HRC/29/40/Add.1, para. 60, country team submission, p. 11, and UNESCO, para. 15.
[102] CRC/C/CHL/CO/4-5, para. 41 (a).
[103] For relevant recommendations, see A/HRC/26/5, paras. 121.34–121.35, 121.38, 121.86–121.97, 121.105, 121.124–121.127 and 121.159–121.164.
[104] A/HRC/29/40/Add.1, para. 80.
[105] CEDAW/C/CHL/CO/7, paras. 12–13.
[106] Ibid., paras. 16–17. See also country team submission, p. 3, and A/HRC/29/40/Add.1, para. 26.
[107] See www.cl.undp.org/content/chile/es/home/presscenter/pressreleases/2018/03/19/la-representaci-n-pol-tica-de-las-mujeres-en-chile-ha-mejorado-pero-a-n-queda-camino-por-recorrer-pnud-lanza-nuevo-informe.html. See also CEDAW/C/CHL/CO/7, para. 4 (g)–(h), CCPR/C/CHL/CO/6, para. 13, A/HRC/29/40/Add.1, para. 19, and country team submission, pp. 3–4.
[108] Country team submission, pp. 3–4. See also E/C.12/CHL/CO/4, paras. 14–15, A/HRC/37/53/Add.1, paras. 76 and 86 (h), and A/HRC/29/40/Add.1, para. 14.
[109] A/HRC/29/40/Add.1, para. 75. See also CEDAW/C/CHL/CO/7, para. 24.
[110] Country team submission, p. 4. See also CEDAW/C/CHL/CO/7, para. 25 (b), and A/HRC/29/40/Add.1, para. 82 (m).
[111] For relevant recommendations, see A/HRC/26/5, paras. 121.30–121.32, 121.36, 121.98, 121.106–121.108, 121.118–121.120 and 121.123.
[112] A/HRC/26/5, paras. 121.30 (Estonia), and 121.31 (Honduras).
[113] Country team submission, p. 4.
[114] CRC/C/CHL/CO/4-5, paras. 8–9. See also country team submission, pp. 4–5.
[115] CAT/C/CHL/CO/6, para. 36. See also country team submission, p. 4.
[116] CAT/C/CHL/CO/6, para. 37 (a). See also country team submission, p. 5.
[117] CRC/C/CHL/CO/4-5, para. 47.
[118] Ibid., para. 45. See also E/C.12/CHL/CO/4, para. 22.
[119] CRC/C/CHL/CO/4-5, paras. 85 (a) and 86 (a).
[120] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3342233:NO. See also E/C.12/CHL/CO/4, para. 21.
[121] For relevant recommendations, see A/HRC/26/5, paras. 121.157–121.159.
[122] CRPD/C/CHL/CO/1, para. 6.

[123] Ibid., para. 68.
[124] CRPD/C/CHL/CO/1, para. 20. See also CRPD/C/CHL/CO/1/Add.1, p. 3.
[125] CRPD/C/CHL/CO/1, para. 24.
[126] Ibid., para. 18.
[127] For relevant recommendations, see A/HRC/26/5, paras. 121.160–121.167 and 121.169–121.177.
[128] Country team submission, pp. 7–8. See also A/HRC/32/31/Add.1, para. 77.
[129] E/C.12/CHL/CO/4, para. 8. See also A/HRC/32/31/Add.1, para. 19, www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3300880:NO, and https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CHL/INT_CERD_ALE_CHL_8681_S.pdf.
[130] A/HRC/32/31/Add.1, paras. 53 and 75. See also A/HRC/29/40/Add.1, para. 64, A/HRC/25/59/Add.2, paras. 89 and 92, and country team submission, p. 7.
[131] Country team submission, p. 6.
[132] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22209&LangID=E. See also A/HRC/25/59/Add.2, para. 94, CAT/OP/CHL/1, para. 119, and CAT/OP/CHL/1/Add.1, paras. 49–56.
[133] Country team submission, p. 8.
[134] For relevant recommendations, see A/HRC/26/5, paras. 121.178–121.183.
[135] UNHCR submission, pp. 4–5. See also CEDAW/C/CHL/CO/7, para. 45, CRC/C/CHL/CO/4-5, paras. 76 (a) and 78 (a).
[136] CCPR/C/CHL/CO/6, para. 23. See also CAT/C/CHL/CO/6, para. 42.
[137] CEDAW/C/CHL/CO/7, para. 32.
[138] CRC/C/CHL/CO/4-5, para. 78 (c). See also para. 76 (b), and A/HRC/37/53/Add.1, para. 61.
[139] Country team submission, pp. 5–6. See also UNHCR, p. 2.
[140] UNHCR submission, p. 2.
[141] Ibid., p. 3.
[142] Ibid., p. 2.
[143] CEDAW/C/CHL/CO/7, para. 33.

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Summary of Stakeholders' submissions on Chile*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 69 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The National Human Rights Institute expressed the view that Chile should ratify the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador); the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It also observed that Chile should withdraw the reservations it has made to the international instruments to which it is a party.[2]

3. The National Human Rights Institute noted that Chile has established the Office of the Under-Secretary for Human Rights and that it has started to implement the National Human Rights Plan 2018–2021.[3]

4. The National Human Rights Institute noted that the Anti-Discrimination Act has certain shortcomings, such as the fact that discriminatory distinctions are considered, a priori, to be reasonable if they are justified on the grounds that the person concerned was legitimately exercising another fundamental right. Furthermore, the Act neither defines the

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concept of indirect discrimination nor includes a comprehensive definition of discrimination against women.[4]

5. The National Human Rights Institute stated that Chile has defined the offences of torture and other cruel, inhuman or degrading treatment and recommended the prompt adoption of the bill whereby the Institute would be designated as the national mechanism for the prevention of torture.[5]

6. The National Human Rights Institute reported complaints that police officers have sexually abused adolescent women during demonstrations and used excessive force against indigenous children and women during police raids in rural areas and indigenous territories.[6]

7. The National Human Rights Institute noted the tendency of courts to apply legal concepts and provisions that have the effect of mitigating the criminal responsibility of perpetrators of serious human rights violations committed during the dictatorship.[7]

8. The National Human Rights Institute acknowledged the efforts made within the framework of the educational reform process. However, it considered that the funding model used for the educational system has created economic access barriers and that discriminatory regulations, mechanisms and practices exist.[8]

9. The National Human Rights Institute drew attention to the adoption of Act No. 21.030, which decriminalizes the voluntary termination of pregnancy when it is carried out on any one of three sets of circumstances.[9]

10. The National Human Rights Institute noted that the representation of women in the National Congress has increased but is still far from being proportional to the number of women in the population.[10] It also noted that a wage gap continues to exist between men and women.[11]

11. The National Human Rights Institute indicated that Chile should establish adequate mechanisms for the definition, protection and restitution of indigenous territories and should regulate fulfilment of the obligation to carry out prior consultations in accordance with international standards.[12]

12. The National Human Rights Institute noted that current migration laws provide a margin of discretion to administrative authorities in matters of expulsion, contain discriminatory rules and do not provide sufficient legal safeguards. It noted that a new migration policy was announced in 2018.[13]

III. Information provided by other stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies[14]

13. Regarding recommendations 121.2, 121.3, 121.4, 121.5, 121.6 and 121.7 of the second cycle of the universal periodic review,[15] several submissions recommended that Chile ratify the Optional Protocol to the Convention on the Elimination of Discrimination against Women[16] and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[17]

14. Joint Submission 20 (JS20) recommended withdrawing the reservation to the Second Optional Protocol to the International Covenant on Civil and Political Rights.[18]

15. Joint Submission 15 (JS15) recommended that Chile ratify the Protocol of San Salvador and withdraw reservations on the International Convention on the Protection of the Rights of All Migrant Workers and their Families.[19]

16. The International Campaign to Abolish Nuclear Weapons (ICAN) recommended that Chile ratify the UN Treaty on the Prohibition of Nuclear Weapons.[20]

17. Joint Submission 7 (JS7) recommended that Chile present a midterm evaluation report on the implementation of the recommendations received.[21]

B. National human rights framework[22]

18. Three submissions noted that, although the 1980 Constitution has been amended numerous times, it had not been brought into line with the international human rights treaties ratified by Chile.[23] Joint Submission 21 (JS21) noted that a new Constitution needed to be drawn up.[24]

19. Four submissions highlighted the establishment of the Office of the Under-Secretary for Human Rights of the Ministry of Justice and Human Rights in 2016 and of the National Human Rights Plan in 2017.[25] Amnesty International (AI) recommended ensuring the adequate implementation of such plan and including civil society participation in any follow up mechanism.[26]

20. Joint Submission 21 (JS21) recommended strengthening the National Human Rights Institute and bringing it into line with the Paris Principles.[27] Red Infancia (Childhood Network) (RI) recommended strengthening the political autonomy of the National Human Rights Institute, eliminating the risk that its members might become involved in conflicts of interest and promoting their social, cultural, political, economic and racial diversity.[28]

21. Four submissions noted that the bill creating the national preventive mechanism against torture was still pending in Congress and expressed concerns about the fact that the mechanism would be part of the National Human Rights Institute rather than an independent institution.[29]

22. Four submissions noted that there had been no public consultations regarding the preparation of Chile's national report for the universal periodic review.[30] JS7 recommended that Chile systematically consult with civil society on the implementation of UPR recommendations and incorporate them into action plans.[31]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[32]

23. JS15 stated that the 2012 Anti-Discrimination Law lacked tools to prevent, punish, and redress discrimination.[33] Four submissions noted that Chile had not yet created an institutional framework to implement public policies against discrimination.[34]

24. Oro Negro (Black Gold) (ON) recommended that Chile declare the International Decade for People of African Descent in the country and legislate to protect persons of African descent from acts of racial and xenophobic discrimination.[35]

25. Joint Submission 16 (JS16) highlighted the invisibility and lack of protection of the lesbian, gay, bisexual, transgender and intersex population and the increase in reports of homophobia and transphobia.[36]

Development, the environment, and business and human rights[37]

26. Numerous organizations reported on the environmental degradation taking place in so-called "environmental sacrifice zones" and highlighted the serious adverse effects that it was having on the health of the population, particularly that of women and children. They recommended, inter alia, strengthening environmental regulations, ratifying the Minamata Convention on Mercury, establishing independent mechanisms to monitor pollution levels, implementing decontamination plans and progressively eliminating old thermoelectric plants and foundries.[38]

27. The Williche Communities Coordinating Committee for the Defence of the Willi Lafken Weychan Territory highlighted the contamination of marine areas by salmon farming facilities and the lack of regulation of those facilities.[39]

28. Joint Submission 11 (JS11) noted that the Environmental Impact Assessment System (SEIA) does not ensure sufficient public participation, that the Supervisory Authority for the Environment does not have the capacity to respond to complaints of environmental damage and that environmental judicial procedures were subject to a number of restrictions that hindered their effectiveness.[40]

29. Joint Submission 6 (JS6) welcomed the adoption of the National Action Plan on Business and Human Rights but noted the lack of public participation in the drafting process, which included a failure to consult indigenous peoples and to address proposals for reforming the existing legislative framework in order to protect human rights in the face of business activity. It recommended launching a multi-stakeholder committee, to include representatives of civil society, for the purpose of assessing the progress made under the plan.[41]

Human rights and counter-terrorism[42]

30. Three submissions highlighted that the definition of terrorism contained in the Anti-Terrorism Law was contrary to the principle of legality and that the law did not comply with due process guarantees by allowing extensive pre-trial detention, prolonged periods of secrecy of the investigation and the use of anonymous witnesses.[43]

31. Cultural Survival (CS) reported that the Government had announced a hardening the penalties for terrorism and for "apology of terrorism", which could conceivably be used against solidarity activists or journalists.[44]

2. Civil and political rights

Right to life, liberty and security of person[45]

32. With regard to recommendation 121.112,[46] Joint Submission 20 (JS20) recommended repealing the provisions of the Code of Military Justice that provide for the death penalty and incorporating a provision for the total abolition of the death penalty into the Constitution.[47]

33. The Londres 38 Memorial Centre (L38) stated that the definition of enforced disappearance as a specific criminal offence when it occurs outside the context of serious, massive and systematic human rights violations is still pending.[48] It also noted that the design and implementation of the national plan on the search for disappeared detainees and the determination of their fate had not involved the families of victims or human rights organizations and that no information was available on its progress or results.[49]

34. Several submissions noted persistent allegations of excessive use of force and abuses by the police in the context of demonstrations, particularly during protests by students and members of the Mapuche community and including allegations of police sexual violence against women and girls involved in the protests, and were concerned that such abuses had not been effectively investigated and prosecuted.[50] AI welcomed the creation in 2017 of a Human Rights Unit in the Attorney General's Office and recommended that Chile ensure that the specialised unit duly investigated all reports of police violence.[51]

35. CS also noted an increased police brutality against members of Mapuche indigenous people often inflicted during police raids into communities as part of criminal investigations.[52]

36. Joint Submission 10 (JS10) recommended that the legal framework governing police surveillance and intelligence activities be reviewed and that steps be taken to ensure that such activities are carried out strictly in accordance with the principles of legality, necessity and proportionality and are not directed in a discriminatory manner against specific groups, such as the Mapuche population.[53]

37. Three submissions highlighted the level of violence existing in what are known as "critical neighbourhoods" in deprived parts of the country's large cities and recommended that neighbourhood security policies be redefined so that their focus is shifted away from a largely police-based approach and towards a comprehensive response to such communities.[54]

38. Two submissions noted that preventive identity checks were implemented arbitrarily and that they gave rise to abuses.[55]

39. The Movimiento de Integración y Liberación Homosexual (Movement for Homosexual Integration and Liberation) (MOVILH) recommended repealing article 373 of the Criminal Code, under which custodial sentences may be imposed on persons who "offend against modesty or decency", on the grounds that it lends itself to arbitrary application.[56]

40. JS21 noted that the prison system in Chile suffers from serious overcrowding and subhuman conditions in terms of food, hygiene and health, as well as the improper use of solitary confinement cells for long periods of time. It recommended reducing the use of pretrial detention as a precautionary measure, promoting the formulation of a law on the application of criminal penalties that complies with international standards and establishing a specialized group of judges to deal exclusively with prison-related matters.[57]

41. Two submissions noted that, since the entry into force of the law on Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 2005, the population of women deprived of their liberty had increased explosively, causing deep problems when women had the double role of caregiver and provider. They recommended promoting alternative measures to detention and promoting the so-called "Sayen Law", which is aimed at enabling mothers with children under the age of 3 to have their sentences suspended so that they can raise their children.[58]

Administration of justice, including impunity, and the rule of law[59]

42. Several submissions noted that, although the 1978 amnesty law had not been applied in recent years, it could still be used to acquit members of the armed forces accused of human rights violations during the dictatorship.[60]

43. Two submissions noted that the 50-year prohibition on the public disclosure of the testimony collected by the Valech I Commission is still in force and recommended declassifying this information.[61] L38 also recommended repealing Act 18.771 of 1989, which exempts the armed forces and police from the obligation to file their documentation in the National Archives.[62]

44. JS21 noted that rules allowing for the phased application of the statute of limitations on serious human rights violations remained in place and recommended eliminating any mechanism that gives rise to impunity and making sufficient funding available to all criminal justice and investigative bodies responsible for investigating serious human rights violations and for prosecuting and punishing perpetrators of those violations.[63] Fundación 1367 Casa Memoria Jose Domingo Cañas (Casa Memoria) recommended withdrawing conditional or limited release arrangements in cases involving crimes against humanity.[64]

45. Casa Memoria noted that the definition of a victim adopted by the Rettig, Valech I and Valech II commissions is not in accordance with international standards and recommended establishing a standing committee entrusted with the recognition of the right to redress for victims of the dictatorship.[65] Two submissions pointed out that, although Chile had implemented a health-related reparation programme (the Compensation and Comprehensive Health-Care Programme) for victims of the military dictatorship, that programme had a number of limitations.[66] The Centro de Salud Mental y Derechos Humanos (Centre for Mental Health and Human Rights) (CINTRAS) recommended establishing a comprehensive reparation policy for torture survivors.[67]

46. AI noted that in 2016 Chile had passed a law establishing that civilians and minors under no circumstances could appear before military courts, either as defendants or as victims. However, it indicated that military justice was still not limited to breaches of military discipline committed by military personnel.[68]

Fundamental freedoms and the right to participate in public and political life[69]

47. JS7 stated that civil society in Chile enjoyed an enabling environment, but was not recognized by the government as a fundamental interlocutor in the design and

implementation of public policies and welcomed the creation in 2016 of the National Council on Citizen Participation and Strengthening of Civil Society.[70]

48. Two submissions indicated that Decree No. 1.086, regulating the right to peaceful assembly, established procedures that in practice functioned as a system of prior authorisation and recommended repealing it.[71]

49. AI noted that the police protocols for maintaining public order made public in 2014 were not in line with international standards on the use of force and crowd control.[72]

50. CS noted that the General Telecommunications Law severely limited community media, and thus indigenous media, by criminalising the operation of unlicensed broadcasting. It added that mainstream media often perpetuated racist discourse and terrorist language to discredit the Mapuche's struggle for political and land rights.[73]

51. JS7 noted that, although violence against journalists was not widespread, attacks, threats and intimidation against journalists had been documented, especially when covering protests. It also recommended that Chile repeal the offence of contempt contained in the Code of Military Justice as well as the criminal categories of slander and libel.[74]

52. AI recommended that Chile develop formal policies and protection mechanisms regarding human rights defenders.[75]

53. Joint Submission 4 (JS4) noted that, while Chile was one of the most connected countries in Latin America, there was a digital divide affecting various groups, such as people living in rural areas, women and indigenous peoples.[76]

Prohibition of all forms of slavery[77]

54. JS6 acknowledged the progress made under Act 20.507 of 2011 in addressing the smuggling and trafficking of persons but noted that the number of trafficking victims had increased in recent years.[78] JS15 stated that, since the adoption of such law, actions had focused on criminal prosecution, with prevention, protection and assistance of victims remaining a secondary aspect.[79]

Right to privacy and family life[80]

55. MOVILH indicated that Act No. 20.830 of 2015 on the Civil Union Agreement had, for the first time, enabled same-sex and different-sex couples to formalize their unions under regulations other than those relating to marriage. However, it noted that the agreement did not grant same-sex couples equal rights in respect of children.[81]

56. In 2015, the Inter-American Commission on Human Rights welcomed the submission of a bill recognizing equal marriage.[82] JS15 recommended the urgent debate and approval of such bill.[83]

57. MOVILH noted that article 365 of the Criminal Code had the effect of establishing an age of sexual consent of 18 years for homosexual persons and 14 years for heterosexuals. It stated that the bill that would repeal article 365 of the Criminal Code had been pending before Congress since 2009.[84]

58. Joint Submission (JS30) recommended establishing updated data protection legislation, including regulations on the use of drones, surveillance balloons and biometric and facial recognition systems, and establishing an independent data protection authority.[85] JS4 recommended that Chile cease all forms of monitoring and surveillance of the population in digital contexts.[86]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[87]

59. JS15 noted that only 48.5% of Chilean women participated in the labour market, that they earned less income than men and worked in conditions of informality in a greater proportion than men. It also noted that there were no public policies designed to modify the family dynamics that saw women's time mainly dedicated to housework and caregiving.[88]

60. Association "Comunità Papa Giovanni XXIII" (APGXXIII) welcomed the adoption in 2017 of Law 21.015, "Labour Inclusion Law", aimed at promoting the hiring of persons with disabilities.[89] Two submissions recommended establishing a specific training programme for the inclusion of transgender persons in the workplace and introducing incentives for private companies to hire them.[90]

Right to an adequate standard of living[91]

61. Two submissions noted that the Constitution did not recognize economic, social or cultural rights and did not provide for means of enforcing such rights.[92]

62. Joint Submission 2 (JS2) noted that, despite its high human development rate, Chile had the second highest income inequality rate among OECD member States.[93] Joint Submission 17 (JS17) noted that indigenous peoples continue to be the poorest group in the country and that gaps between the indigenous and non-indigenous populations persist in the areas of employment, housing and health.[94]

63. Defensoría Ambiental (Environmental Defender) noted that the lack of town planning in Chile has given rise to runaway growth in which citizens have not had a voice and that highly productive land has been used for building sites.[95]

64. Fundación para el Desarrollo Social (Foundation for Social Development) (FUDESO) noted that Chile is experiencing water shortages because the use of water for production purposes has been given greater priority than people's needs, which had often led to socio-environmental conflicts.[96] Several submissions recommended establishing the right to water as a priority human right for all people, ensuring water security and environmental sustainability, and guaranteeing access to water for indigenous and rural communities.[97]

Right to health[98]

65. Joint Submission 25 (JS25) noted that the incidence of HIV infection has risen, particularly among men between the ages of 15 and 24 years.[99] JS15 noted the lack of prevention and awareness campaigns sustained over time and the shortage of retroviral drugs in some hospitals.[100]

66. Joint Submission 1 (JS1) welcomed the 2017 amendment of the Criminal Code that permitted the interruption of pregnancy on three grounds: risk to the life of the mother, non-viability of the foetus, and rape. However, it noted that all other form of abortion continued to be criminalised with imprisonment and that the law provided broad rights to conscientious objection and required women affected by dementia as well as girls under the age of 14 to have a legal representative authorisation.[101] JS15 was also concerned about the maximum period of fourteen weeks foreseen to proceed with the interruption of pregnancy in the case of girls under the age of 14 years, considering the difficulty for these girls to identify their pregnancy and the fact that a si-gnificant proportion of them were victims of sexual abuse by a family member.[102] Alliance Defending Freedom International (ADF International) referred to the right to life in relation to abortion.[103]

67. Joint Submission 19 (JS19) noted that an invasive model of care for pregnant women and women giving birth continued to be used and that Chile has the third-highest rate of unnecessary Caesarean sections in the world.[104] ADF International noted that Chile should redirect resources to further improve maternal health and medical infrastructure so to guarantee better conditions for pregnant women, women undergoing childbirth and postpartum women.[105]

68. MOVILH recommended that gender reassignment procedures for transgender persons should be included among the services provided by the State.[106] JS25 recommended establishing a referral centre for the transgender population in every region of Chile.[107]

69. AI recommended that Chile ensure comprehensive sexuality education in school across the country, particularly in remote areas, as well as outside school through civil society and community based organisations.[108]

70. The Agrupación de Familiares Angustiados (Association of Families in Distress) referred to the impact of rising drug consumption on the health and development of children and adolescents and recommended the adoption of public policies addressing the issue.[109]

Right to education[110]

71. Joint Submission 27 (JS27) acknowledged the progress made by Chile in the area of access to education and educational inclusion.[111] Joint Submission 9 (JS9) noted that a family's enjoyment of the right to education varied significantly depending on its socioeconomic level and geographical origins and recommended restructuring the education system in order to ensure equal access to education, establishing minimum quality standards and eliminating gaps in quality and infrastructure, especially in rural areas.[112]

72. Joint Submission 5 (JS5) noted that, although the right to have access to culturally relevant education was enshrined in the Indigenous Peoples Act, that law had not yet been effectively implemented for a large part of the indigenous population.[113]

73. Joint Submission 13 (JS13) welcomed Chile's efforts to include children and adolescents with special educational needs in the country's schools. However, it noted that fewer than half of State-funded schools had a school integration programme.[114]

74. CINTRAS recommended that human rights be taught as a dedicated unit in the primary and secondary school curricula rather than as a cross-cutting learning objective.[115]

75. JS27 recommended that all detention centres for adolescents and young persons should have formal educational establishments equipped with basic infrastructure and supplies.[116]

76. MOVILH welcomed the significant progress made in educational policies designed to promote respect for lesbian, gay, bisexual and transgender persons and recommended ensuring their full implementation.[117]

77. JS13 recommended strengthening supervisory measures in educational institutions in order to put an end to all forms of violence inflicted by teachers upon students.[118]

4. Rights of specific persons or groups

Women[119]

78. JS15 stated that, despite an increase in the proportion of women legislators due to the application of the new regulations in the 2017 congressional elections, political representation of women in Chile remained below the regional average. It noted disparities in electoral financing between female and men candidates and recommended the promotion of legislation ensuring the inclusion of women in other positions of popular election and political representation.[120]

79. JS15 noted that the discrimination affecting Chilean women regarding property regime in marriage persisted and that since 2013 the bill to reform the conjugal society had been pending in Congress without any progress.[121]

80. Two submissions noted the high levels of violence against women and recommended that Chile approve the draft law on the right of women to a life free of violence, ensuring that it included adequate preventive measures and the necessary budget, and amend Law 20.480 on femicide to include all murders of women for reason of gender and not only those committed by the spouse, partner or former spouse or former partner.[122] They also noted that the bill punishing sexual harassment was pending in the Parliament since 2015 and recommended its approval.[123]

Children[124]

81. Joint Submission 9 (JS9) noted that the bill that would establish a system of guarantees for the rights of children is before the legislature. However, it considered that the bill subordinates the enjoyment of certain guarantees, and the State's duty to provide

them, to the availability of resources and recommended that the bill be amended in accordance with a rights-based approach.[125]

82. The Inter-American Commission on Human Rights welcomed the enactment of the Act establishing the Office of the Children's Ombudsman in Chile.[126] JS19 noted that its terms of reference are limited and that its budget allocation is insufficient.[127]

83. A number of submissions drew attention to reports indicating that children and adolescents in centres run by the National Service for Minors (SENAME) and its partner agencies have died and that serious violations of children's and adolescents' rights have taken place.[128]

84. JS9 recommended promoting a structural change in child protection systems that would prioritize the integration of children and adolescents into society rather than their placement in institutions and would establish a mechanism for monitoring and evaluating child protection actions and policies, especially those carried out by private bodies.[129] Several submissions recommended investigating the deaths of children and adolescents who had been under the protection of the National Service for Minors (SENAME).[130]

85. JS9 noted that the juvenile justice system is seriously flawed and that a bill for the establishment of a national integration service was in the pipeline. It recommended reducing the use of the deprivation of liberty as a precautionary measure and as a punishment and strengthening inter-institutional coordination and the specialization of stakeholders involved in following up on cases involving juvenile offenders.[131]

86. The Global Initiative to End Corporal Punishment Against Children (GIEACPC) noted that corporal punishment was still lawful in the home and in alternative and day settings and recommended that Chile enact the draft law establishing a System of Guarantees for the Rights of Childhood to explicitly prohibit corporal punishment in all settings.[132]

87. JS2 recommended that Chile criminalise all the manifestations of sexual exploitation of children, ensure adequate penalties for this crime and allocate sufficient budget and human resources for the effective implementation of the Framework for Action against sexual exploitation of children 2017–2019.[133]

Persons with disabilities[134]

88. APGXXIII noted that, despite the 2010 adoption of Law No.20.422 on social inclusion of persons with disabilities, Chile had not yet developed an institutional framework to guarantee the implementation of the law and recommended to establish it. It also noted the lack of a clearly institutionalised mechanism for consultation and participation of organizations of persons with disabilities.[135]

89. Joint Submission 18 (JS18) noted that, on the expiry of the three-year term established by Supreme Decree No. 50 of the Ministry of Housing and Town Planning, the adjustments required to ensure the accessibility of public buildings and buildings providing a community service have not been made.[136]

90. Two submissions noted that the legislature is considering a bill on the recognition and protection of persons with mental illness, intellectual disabilities and mental disabilities which would broaden the recognition of rights in the field of mental health care but maintains the possibility that persons with psychosocial disabilities could be deprived of the right to exercise their will.[137]

91. APGXXIII recommended that Chile adopt a policy of deinstitutionalisation of children with disabilities, including measures to ensure their inclusion in a family environment in the community.[138]

Minorities and indigenous peoples[139]

92. Two submissions recommended that the plurinational and intercultural nature of the State should be recognized in the Constitution.[140]

93. JS6 noted that the National Congress lacks a mechanism for consulting indigenous peoples regarding the drafting and adoption of legislative initiatives.[141]

94. Two submissions indicated that Supreme Decree No. 66 of the Ministry of Social Development, which regulates the procedure for consultations with indigenous communities, and Supreme Decree No. 40 of the Ministry of the Environment, which regulates the environmental assessment of investment projects, had not been the subject of prior consultation, restricted the right to consultation and did not sufficiently or adequately regulate the exercise of that right.[142] JS17 recommended repealing these decrees and establishing a procedure for consulting indigenous communities under the terms of a law that conforms to the standards of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).[143]

95. CS stated that extractive industry and hydroelectric and agribusiness contracts issued on Mapuche land without their free, prior and informed consent had led to environmental degradation, economic disenfranchisement, cultural loss and conflict.[144] In addition, it noted that in State protected areas that overlapped with indigenous land, indigenous communities were often excluded from decisions concerning land management and development.[145]

96. JS21 recommended establishing appropriate mechanisms for the return of territories claimed by the country's indigenous peoples.[146]

97. JS6 noted that the Act on the Establishment of Marine Coastal Spaces for Native Peoples, also known as the Lafkenche Act, has been an important step forward for coastal indigenous communities but that the procedures used for its implementation have been slow, arbitrary and overly bureaucratic as a consequence of the influence exerted by the fishing industry, particularly salmon fisheries.[147]

98. Several organizations expressed concern at the continued misuse of the Anti-Terrorism Law against members of the Mapuche indigenous people advocating for land rights.[148] The Asociación Indígena Ad Kimvn (Ad Kimvn Indigenous Association) stated that, in 2018, the Government had announced the establishment of a specialized anti-terrorist police force, called Comando Jungla, that was to operate in ancestral indigenous territories. The Association noted that ancestral leaders and authorities faced persistent repression.[149] Three submissions recommended that sweeping changes be made in the way that the historical conflict with indigenous communities is being handled and that political solutions to that conflict be sought.[150]

99. JS6 recommended that the bill that would grant legal recognition to persons of African descent be adopted and that information on that community should be included in population and housing censuses and official statistics.[151] Oro Negro recommended developing institutions and public policies aimed at improving the quality of life of persons of African descent.[152]

Migrants, refugees, asylum seekers and internally displaced persons[153]

100. JS15 noted that Chilean legislation on migration (Decree Law N. 1094 of 1975) did not adequately guarantee the human rights of migrants.[154]

101. Joint Submission 8 (JS8) noted that the migration and aliens bill under discussion in the Chamber of Deputies does not expressly provide for a rights-based approach and recommended ensuring that due process be observed in the application of procedures governing the expulsion of migrants.[155] It also expressed concern about the administrative measures introduced as part of the 2018 special regularization process, which include the use of discriminatory criteria such as nationality in determining in what cases tourist visas are required, the elimination of work visas and the provision of excessive discretionary power to administrative authorities in excluding certain migrants from the special regularization process.[156]

102. Three submissions recommended that the State implement comprehensive, intercultural and inclusive public policies concerning migrants and their families, particularly in connection with access to housing, education, health care, employment and social security, and that special attention in that regard be paid to the situation of migrant women.[157]

103. FUDESO noted the exponential increase in asylum applications in Chile and recommended increasing the funds provided to humanitarian assistance programmes for refugees, asylum seekers and vulnerable immigrants.[158]

Stateless persons

104. The Inter-American Commission on Human Rights welcomed the "Chile Recognizes" project, which is working to provide confirmation of the Chilean nationality of persons born in Chile to parents in an irregular migratory situation. The Commission considered the project to be an important step forward in the fight against statelessness.[159]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

AccessNow	Access Now (United States of America);
Ad Kimvn	Asociación Indígena Ad Kimvn (Chile);
ADF International	Alliance Defending Freedom International (Switzerland);
AFA	Asociación de Familiares Angustiados (Chile);
AI	Amnesty International, London (United Kingdom);
APGXXIII	Association "Comunità Papa Giovanni XXIII" (Italy);
AUPI	Agrupación de usuarios PRAIS DDHH (Chile);
BSOSH	Brigada SOS HUASCO (Chile);
Casa Memoria	Fundación 1367 Casa Memoria José Domingo Cañas (Chile);
CDHTocopilla	Comisión independiente De Derechos Humanos Tocopilla (Chile);
CINTRAS	Centro de Salud Mental y Derechos Humanos (Chile);
CNCDAVAL	Coalición Nacional Derecho a Vivir con Aire Limpio (Chile);
CORFAL	Corporación de Formación Laboral al Adolescente (Chile);
COYA	Corporación Yareta (Chile);
CS	Cultural Survival (United States of America);
DA	Defensoría Ambiental (Chile);
Firmamento	Consejo ciudadano por el resguardo y protección de los derechos de los niños (Chile);
FreCoA	Frente Ecosocial Antofagasta (Chile);
FRENTEDC	Frente Defensa de Coronel
FUDESO	Fundación para el Desarrollo Social (Chile);
FyC	ONG Formación Y Convergencia (Chile);
GIEACPC	Global Initiative to End All Corporal Punishment of Children (United Kingdom of Great Britain and Northern Ireland);
ICAN	International Campaign to Abolish Nuclear Weapons (Switzerland);
L38	Londres 38 Espacio de Memorias (Chile);
La Caleta	Corporación La Caleta (Chile);
LOF MICHILLANCA	LOF Michillanca (Chile);
Madres en Chile	Movimiento Madres en Chile (Chile);
MEDUV	Facultad de Medicina, Universidad de Valparaíso (Chile);
MMV	Mamitas Migrantes Valparaíso (Chile);
MOVILH	Movimiento de Integración y Liberación Homosexual (Chile)
MUZOSARE	Mujeres De Zonas De Sacrificio Puchuncaví Quintero En Resistencia (Chile);
ON	Oro Negro (Chile);
Red Infancia	Red Social para la Promoción de los Derechos Humanos de La Infancia y la Familia En Chile (Chile);
Relaves	Fundación Relaves (Chile);
Terram	Fundación Terram (Chile);
TSD	Trans Secret Diamonds (Chile);
Willi Lafken	Coordinadora de Comunidades Williche por la defensa del Territorio Willi Lafken Weychan (Chile).

Joint submissions:

JS1 **Joint submission 1 submitted by**: Center for Reproductive Rights (United States of America); Corporación Miles (Chile);

JS2 **Joint submission 2 submitted by**: Corporación ONG Raices (Chile); ECPAT International (Thailand); ONG PAICABI (Chile);

JS3 **Joint submission 3 submitted by**: Asociación Organizando Trans Diversidades — OTD (Chile); Sexual Rights Initiative — SRI (Canada);

JS4 **Joint submission 4 submitted by**: Association for Progressive Communications — APC (South Africa); Derechos Digitales (Chile);

JS5 **Joint submission 5 submitted by**: Instituto de la Lengua y Cultura Mapuche. Aukiñ Mapu (Chile); Consejo Territorial Mapuche de Galvarino (Chile);

JS6 **Joint submission 6 submitted by**: Asociación de Municipalidades con Alcalde Mapuche (Chile); Consorcio TICCA (Chile); Colectivo Mapuexpress (Chile); ONG Afrochilena Lumbanga (Chile); Movimiento Acción Migrante (Chile); Observatorio Ciudadano (Chile);

JS7 **Joint submission 7 submitted by**: CIVICUS: World Alliance for Citizen Participation (South Africa); Pro Acceso Foundation (Chile);

JS8 **Joint submission 8 submitted by**: Servicio Jesuita a Migrantes (Chile); Centro de Derechos Humanos de la Facultad de Derecho de la Universidad de Chile (Chile);

JS9 **Joint submission 9 submitted by**: Corporación Miles Chile (Chile); Comisión Chilena Pro-Derechos Juveniles — CODEJU (Chile); Comité de Defensa y Promoción de los Derechos Humanos de la Población La Legua (Chile); Fundación Infancia (Chile);

JS10 **Joint submission 10 submitted by**: Derechos Digitales (Chile); Ciudadano Inteligente (Chile); Fundación Pro Acceso (Chile); Privacy International (United Kingdom of Great Britain and Northern Ireland);

JS11 **Joint submission 11 submitted by**: ONG FIMA (Chile); Centro de Derechos Humanos de la Facultad de Derechos de la Universidad de Chile (Chile);

JS12 **Joint submission 12 submitted by:** Franciscans International (Switzerland); Oficina de Justicia, Paz e Integridad de la Creación de los Hermanos Franciscanos en Chile (Chile);

JS13 **Joint submission 13 submitted by**: Fundación Marista por la Solidaridad Internacional — FMSI (Italia); Oficina Internacional Católica de la Infancia — BICE (Switzerland);

JS14 **Joint submission 14 submitted by**: ICW Latina, Capitulo Chile (Chile); Corporación Fundamental (Chile);

JS15 **Joint submission 15 submitted by**: Centro Regional de Derechos Humanos y Justicia de Genero, Corporación Humanas (Chile); Agrupación Lésbica Rompiendo Silencio (Chile); Centro de Estudios de la Mujer (Chile); Circulo Emancipador de Mujeres y Niñas con Discapacidad de Chile (Chile); Coordinadora Autónoma Contra la Violencia (Chile); Corporación Opción (Chile); Fundación Instituto de la Mujer (Chile); Fundación Iguales (Chile); Fundación 1367 Casa Memoria José Domingo Cañas (Chile); Litigación Estructural para América del Sur — LEASUR (Chile); Observatorio Contra el Acoso Callejero — OCAC (Chile); Observatorio de Violencia Institucional en Chile — OVIC (Chile);

JS16 **Joint submission 16 submitted by**: Fundación Iguales (Chile; Movimiento por la Diversidad Sexual — MUMS (Chile); Agrupación Rompiendo el Silencio (Chile); Aquarela (Chile), Pastoral de la Diversidad — PADIS (Chile); Prevención Viña (Chile); Agenda Kuir (Chile); Sororidad entre especies

(Chile); Colectivo Estudiantil Secretaria de género y sexualidad Pontificia Universidad Católica de Valparaiso (Chile); Colectivo Estudiantil Comisión de género y sexualidad Universidad de Valparaiso (Chile); Comisión de género y feminismo Universidad de Viña del Mar (Chile); Colectivo Estudiantil Vocalia de género y sexualidad Universidad Técnica Federico Santa Maria (Chile); Colectivo Estudiantil Comisión de género y sexualidad Liceo Eduardo de la Barra (Chile);

JS17 **Joint submission 17 submitted by**: Asociación Nacional de Mujeres Rurales e Indigenas — ANAMURI (Chile); ONG FIMA (Chile); Mesa Regional Indigena de Santiago (Chile); Plataforma Politica Mapuche (Chile);

JS18 **Joint submission 18 submitted by**: ONG Formación y Convergencia (Chile); Corporación para la Nueva Politica (Chile);

JS19 **Joint submission 19 submitted by**: Corporación de Desarrollo Emprender con Alas (Chile); Fundación de Egresados de Casas de Sename — ECAM (Chile); Infancia sin voz, yo grito por ti (Chile); Agrupación Rancagua Lucha contra el maltrato infantil (Chile); Fundación Abrazarte (Chile); Fundación Abrazame (Chile); Agrupación Padres Sename por el derechos a la reunificación familiar (Chile); Movimiento Madres en Chile Organizadas (Chile); Padres de Verdad (Chile); Abuelos de Verdad (Chile); Unión de Organizaciones Lacustres — UDOL (Chile); ONG Firmamento (Chile); Agrupación de Familiares Angustiados (AFA);

JS20 **Joint submission 20 submitted by**: Centros de Estudios Aurora (Chile); Núcleo de Estudios Penitenciarios (Chile);

JS21 **Joint submission 21 submitted by**: Agrupación de Familiares de Ejecutados Politicos — AFEP (Chile); Agrupación Lésbica Rompiendo el Silencio (Chile); Asociación Nacional de Mujeres Rurales e Indigenas — AMURI (Chile); Asociación Organizando Trans Diversidades — OTD Chile (Chile); Comisión Chilena de Derechos Humanos (Chile); Comisión Chilena Pro-Derechos Juveniles — CODEJU (Chile); Comisión Ética contra la Tortura — CECT (Chile); Comité de Defensa y Promoción de los Derechos Humanos de la Población La Legua (Chile); Corporación Miles Chile (Chile); ONG FIMA (Chile); Litigación Estructural para América del Sur — ONG LEASUR (Chile); Mesa Regional Indigena de Santiago — OVIC (Chile); Servicio Jesuita a Migrantes — SJM (Chile); Plataforma Politica Mapuche (Chile); Centro de Derechos Humanos de la Facultad de Derechos de la Universidad de Chile (Chile); Grupo Internacional De Trabajo Sobre Asuntos Indigenas — IWGIA (Denmark);

JS22 **Joint submission 22 submitted by**: Red de Defensa de los Territorios Los Rios (Chile); Movimiento por el Agua y los Territorios (Chile); Parlamento de Koz Koz (Chile); Red de Organizaciones Sociales y Ambientales de Panguipulli (Chile); Familia Collio — Valdez (Chile); Federación de Pescadores Artesanales de Corral — FEPACOR (Chile); Consejo Defensa Territorial Wadalafquen Moncol (Chile); Red Ciudadana por los Humedales Valdivia (Chile); Revista *Caminando* (Chile); Cooperativa Semilla Austral (Chile); Cooperativa Claudio Morris Calleja (Chile); Comunidad Koliñir Lof Wapi (Chile); Alianza Kiñe Rakizuam (Chile); Colectivo Trabajadores Movilizados (Chile); Tejiendo Rebeldias (Chile); Junta de Vecinos Flor del Lago Riñihue (Chile); Movimiento por la Defensa del Futrono (Chile); Juventud Chileno Árabe de Valdivia Por Palestina (Chile); Movimiento BDS desde el Sur (Chile); Consejo de defensa

territorial Los Lagos (Chile); Centro de Estudios Comunitarios Valdivia — CEC (Chile); Corporación para el Desarrollo de las Ciencias Ambientales — CODECIAM (Chile); GeoEduca (Chile); Colectivo Viento Sur (Chile); Centro Cultural El Viaje (Chile); Movimiento por la Asamblea Constituyente — MAC (Chile); Organización Rescatista Esperanza Animal (Chile); Centro Cultural Museo de la Madera y Memoria de Neltume (Chile);

JS23 **Joint submission 23 submitted by**: Movimiento Nacional por la Infancia (Chile); Corporación de Desarrollo Emprender con Alas (Chile); Fundación de Egresados de Casas de Sename — ECAM (Chile); Infancia sin voz, yo grito por ti (Chile); Agrupación Rancagua Lucha contra el maltrato infantil (Chile); Fundación Abrázame (Chile); Fundación Abrázame (Chile); Agrupación Padres Sename por el derechos a la reunificación familiar (Chile); Movimiento Madres en Chile Organizadas (Chile); Padres de Verdad (Chile); Abuelos de Verdad (Chile); Unión de Organizaciones Lacustres — UDOL (Chile); ONG Firmamento (Chile); Agrupación de Familiares Angustiados (AFA);

JS24 **Joint submission 24 submitted by**: Red ONG Infancia Juventud Chile (Integrada por: Corporación La Caleta (Chile); Corporación de Formación Laboral al Adolescente — CORFAL (Chile); ONG EnMarcha (Chile); Fundación para La Protección de la Infancia Dañada Por Los Estados De Emergencia — PIDEE (Chile); Centro de Acción Social Protagoniza (Chile); ONG Social Creativa (Chile));

JS25 **Joint submission 25 submitted by**: Agrupación Lésbica Rompiendo el Silencio (Chile); Asociación Organizando Trans Diversidades — OTD Chile (Chile); Corporación Miles Chile (Chile);

JS26 **Joint submission 26 submitted by**: Fundación Súmate (Chile); Fundación Educación 2020 (Chile);

JS27 **Joint submission 27 submitted by:** Coalición Tierra de Esperanza (Integrada por: Fundación Tierra de Esperanza (Chile); Corporación Educacional Tierra de Esperanza (Chile));

JS28 **Joint submission 28 submitted by**: Comisión Ética contra la Tortura — CECT (Chile); Comité de Defensa y Promoción de los Derechos Humanos de la Población La Legua (Chile); Litigación Estructural para América del Sur — ONG LEASUR (Chile); Observatorio de Violencia Institucional en Chile — OVIC (Chile);

JS29 **Joint submission 29 submitted by**: Infancia sin voz, yo grito por ti (Chile); Corporación de Desarrollo Emprender con Alas (Chile);

JS30 **Joint submission 30 submitted by**: Fundación Datos Protegidos (Chile); Corporación Fundamental (Chile).

National human rights institution:

INDH Instituto Nacional de Derechos Humanos (Chile).

Regional intergovernmental organization(s):

IACHR Inter-American Commission on Human Rights (United States of America).

[2] See INDH, p. 2.
[3] See INDH, p. 1.
[4] See INDH, p. 5.
[5] See INDH, pp. 2 and 3.
[6] See. INDH, p. 7.
[7] See INDH, p. 9.
[8] See INDH, p. 11.
[9] See INDH, p. 2.
[10] See INDH, p. 4.

[11] See INDH, p. 5.
[12] See INDH, pp. 11 and 13.
[13] See INDH, p. 14.
[14] For relevant recommendations, see A/HRC/26/5, paras. 121.1–121.17, 121.50, and 122.1.
[15] See A/HRC/26/5, paras. 121.2 (France); 121.3 (Portugal); 121.4 (Ireland); 121.5 (Netherlands); 121.6 (Austria, Belgium, Madagascar, Paraguay, Slovakia, Spain); and 121.7 (Uruguay).
[16] See JS1, p. 8; JS15, p. 2; JS21, p. 4; and AI, p. 8.
[17] See JS15, p. 2; JS21, p. 4; and JS22, p. 13.
[18] See also JS30, p. 7.
[19] See JS15, pp. 2–3.
[20] See ICAN, p. 1.
[21] See JS7, p. 14.
[22] For relevant recommendations, see A/HRC/26/5, paras. 121.18, 121.23–121.25, 121.27–121.29, 121.41–121.46, 121.58.
[23] See JS6, p. 1; JS21, p. 3; and JS22, p. 1.
[24] See JS21, pp. 3–4. See also JS6, pp. 2 and 5.
[25] See JS6, p. 1; AI, p. 3; IACHR, pp. 3 and 12; and MOVILH, pp. 7–8.
[26] See AI, p. 8. See also MOVILH, p. 8; and Red Infancia, p. 4.
[27] See JS21, p. 5. See also AI, pp. 3 and 8; CINTRAS, p. 3; and CORFAL, p. 2.
[28] See Red Infancia, p. 3. See also JS17, p. 12.
[29] See JS15, p. 2; JS21, pp. 5–6; JS28, pp. 7–8; and AI, p. 4. See also CINTRAS, p. 4; and Casa Memoria, p. 5.
[30] See JS15, p. 2; JS24, p. 10; CORFAL, p. 1; and La Caleta, p. 5. See also JS7, p. 14; JS19, p. 1; and JS29, p. 1.
[31] See JS7, p. 14. See also APGXXIII, p. 7.
[32] For relevant recommendations, see A/HRC/26/5, paras. 121.47, 121.51–121.57, 121.65, 121.66, 121.68, 121.70–121.73.
[33] See JS15, p. 3. See also APGXXIII, p. 5; and MOVILH, pp. 4–5.
[34] See JS3, pp. 4 and 5; JS25, p. 10; APGXXIII, p. 5; and MOVILH, pp. 5 and 7. See also AI, p. 4.
[35] See ON, p. 4. See also JS6, pp. 6 and 7.
[36] See JS16, p. 1. See also MOVILH, pp. 5 and 6; and TSD, p. 1.
[37] For relevant recommendations, see A/HRC/26/5, paras. 121.184.
[38] See JS11, p. 4; BSOSH, pp. 1–6; CNCDAVAL pp. 1–12; COYA pp. 1–6; DA pp. 1–3; FreCoA pp. 1–5; FRENTEDC, p. 1–6; FUDESO, p. 5; MEDUV, pp. 1–5; MUZOSARE, pp. 1–8; Terram, pp. 1–7. See also JS22, pp. 6 and 14; JS24, p. 6; Relaves, pp. 1–2.
[39] See Willi Lafken, pp. 2 and 4–5.
[40] See JS11, pp. 2–3. See also DA, p. 3.
[41] See JS6, pp. 10–11. See also JS4, pp. 12–13.
[42] For relevant recommendations, see A/HRC/26/5, paras. 121.22.
[43] See JS7, pp. 5–6; and AI, p. 5. See also JS17, p. 5; Casa Memoria, p. 6; and Red Infancia, p. 2.
[44] See CS, p. 2. See also JS28, p. 12.
[45] For relevant recommendations, see A/HRC/26/5, paras. 121.21, 121.26, 121.48, 121.74–121.79, 121.81–121.85, 121.112.
[46] See A/HRC/26/5, para 121.112 (Uruguay).
[47] See JS20, p. 8.
[48] See L38, p. 2.
[49] See L38, p. 5.
[50] See JS7, p. 10; JS15, p. 5; JS28, p. 6; AI, pp. 1 and 6; and Casa Memoria, pp. 1 and 3–5 and 7. See also JS6, p. 4; JS23, pp. 8–9; JS24, p. 4; and IACHR, p. 11.
[51] See AI, pp. 6 and 7. See also Casa Memoria, p. 3.
[52] See CS, p. 3. See also Casa Memoria, p. 6.
[53] See JS10, pp. 2–3, 11 and 12. See JS30, p. 9.
[54] See JS24, pp. 8–9; JS28, p. 3; and La Caleta, pp. 4–5.
[55] See JS15, p. 5; and JS28, pp. 4–5. See also AI, p. 4.
[56] See MOVILH, pp. 2 and 4. See also JS16, p. 2.
[57] See JS21, pp. 13–14. See also JS28, p. 8–10; and TSD, p. 3.
[58] See JS15, p. 7; and JS28, pp. 10–12. See also La Caleta, p. 3.
[59] For relevant recommendations, see A/HRC/26/5, paras. 121.109–121.111, 121.113–121.117, 121.19–121.49.
[60] See JS15, pp. 4 and 5; JS21, pp. 7 and 9; AI, pp. 3–4 and 7; Casa Memoria, pp. 1 and 2; CINTRAS, p. 2; L38, pp. 2–3 and 7. See also CDHTocopilla, p. 3.
[61] See Casa Memoria, pp. 1 and 2; and L38, pp. 5 and 7. See also JS15, pp. 4 and 5; JS21, p. 8; CDHTocopilla, p. 2; and CINTRAS, p. 2.

[62] See L38, pp. 5–6 and 7. See also Casa Memoria, p. 2.
[63] See JS21, pp. 7 and 8. See also JS15, p. 4; and L38, pp. 3 and 7.
[64] See Casa Memoria, p. 2. See also JS15, p. 4; JS21, p. 8; and L38, p. 4.
[65] See Casa Memoria, pp. 1–2. See also AI, p. 4; AUPI, p. 3; CDHTocopilla, p. 4; and CINTRAS, p. 2.
[66] See CINTRAS, pp. 1–2; and AUPI pp. 2–3. See also CDHTocopilla, pp. 3–4.
[67] See CINTRAS, pp. 1 and 3.
[68] See AI, p. 2. See also JS15, p. 4; CINTRAS, pp. 2 and 4; and IACHR, p. 13.
[69] For relevant recommendations, see A/HRC/26/5, paras. 121.168, 121.67, 121.80.
[70] See JS7, p. 4.
[71] See JS7, pp. 9 and 13; and Casa Memoria, p. 3.
[72] See AI, p. 6. See also JS28, p. 6; CINTRAS, p. 3; and CORFAL, p. 3.
[73] See CS, p. 6.
[74] See JS7, pp. 7 and 12.
[75] See AI, p. 8. See also JS7, p. 11 and JS17, p. 5.
[76] See JS4, p. 2.
[77] For relevant recommendations, see A/HRC/26/5, paras. 121.99, and 121.100–121.104.
[78] See JS6, p. 9.
[79] See JS15, p. 7.
[80] For relevant recommendations, see A/HRC/26/5, paras. 121.121, 121.122, and 121.69.
[81] See MOVILH, p. 1. See also JS9, pp. 8 and 9; JS15, p. 4; JS25, p. 14; and AI, pp. 2 and 4.
[82] See IACHR, p. 13.
[83] See JS15, p. 4. See also JS25, p. 15.
[84] See MOVILH, p. 3.
[85] See JS30, p. 15. See also JS10, pp. 8–9; and AccessNow, pp. 3–5.
[86] See JS4, p. 14.
[87] For relevant recommendations, see A/HRC/26/5, paras. 121.128, 121.129, and 121.130.
[88] See JS15, p. 13.
[89] See APGXXIII, p. 6.
[90] See JS16, p. 3; and TSD, p. 2. See also JS3, p. 4; and JS25, p. 12.
[91] For relevant recommendations, see A/HRC/26/5, paras. 121.33, 121.39, 121.40.
[92] See JS6, p. 1; and JS21, p. 3.
[93] See JS2, p. 3.
[94] See JS17, p. 9. See also JS24, p. 3; and CS, p. 1.
[95] DA, p. 2. See also AUPI, p. 4.
[96] See FUDESO, p. 3. See also JS11, pp. 6–7; JS12, pp. 4–6; JS17, p. 12; JS22, p. 2; COYA, p. 5; DA, p. 2.
[97] See JS11, p. 7; JS12, p. 6; COYA, p. 5; and FUDESO, pp. 4 y 5. See also IACHR, p. 11.
[98] For relevant recommendations, see A/HRC/26/5, paras. 121.37, and 121.132–121.145.
[99] See JS25, p. 7.
[100] See JS15, p. 14. See also JS14, pp. 1–2.
[101] See JS1, pp. 2–6. See also JS15, p. 14; JS21, p. 11; JS25, pp. 3–4; AI, pp. 2–3 and 5; and IACHR, p. 3.
[102] See JS15, p. 14. See also JS9, pp. 15–16; JS21, p. 11; and JS25, p. 5.
[103] See ADF International, pp. 1–4.
[104] See JS19, p. 5.
[105] See ADF International, p. 3.
[106] See MOVILH, p. 10.
[107] See JS25, p. 10 See also JS3, p. 5; JS16, p. 3; JS21, p. 12; and TSD, p. 2.
[108] See AI, p. 8; See also JS21, p. 11; and JS25, p. 8.
[109] See AFA, p. 2 y 3. See also JS23, p. 19; JS24, p. 10; CORFAL, p. 3; and Firmamento, p. 6.
[110] For relevant recommendations, see A/HRC/26/5, paras. 121.146–121.156.
[111] See JS27, pp. 1–2. See also ISCHR, p. 10.
[112] See JS9, pp. 14–15. See also JS17, p. 11.
[113] See JS5, pp. 4–5. See also JS17, p. 11; JS24, p. 3.
[114] See JS13, p. 5.
[115] See CINTRAS, p. 4. See also JS9, p. 15; and JS21, p. 15.
[116] See JS27, p. 4 and 8. See also JS26, p. 2.
[117] See MOVILH, pp. 8 and 10. See also JS3, p. 3; and JS16, pp. 3–4.
[118] See JS13, p. 7. See also JS3, pp. 2–3; and JS23, p. 12.
[119] For relevant recommendations, see A/HRC/26/5, paras. 121.34, 121.35, 121.38, 121.159–121.64, 121.86–121.97, 121.105, and 121.124–121.127.
[120] See JS15, p. 8.
[121] See JS15, p. 3.
[122] See JS15, p. 6; and JS25, pp. 12–14. See also JS4, pp. 5–8; and JS21, pp. 11 and 12.

[123] See JS15, p. 6; and JS25, pp. 7 and 8. See als JS16, p. 2.
[124] For relevant recommendations, see A/HRC/26/5, paras. 121.30–121.32, 121.36, 121.98, 121.106–121.108, 121.118–121.120, and 121.123.
[125] See JS9, pp. 3 and 4. See also JS2, pp. 4 and 5; JS15, p. 9; JS19, pp. 1 and 2; JS24, pp. 1–2; CORFAL, p. 1; La Caleta, p. 2; IACHR, pp. 9–10; and Red Infancia, p. 5.
[126] See IACHR, p. 4. See also APGXXIII, p. 6; and CORFAL, p. 1.
[127] See also JS9, pp 5–6. See also CORFAL, p. 2.
[128] See JS9, p. 6; JS13, pp. 2–3; JS19, p. 3–5; JS21, p. 14–15; JS29, pp. 2 and 3; Firmamento, p. 2; and Red Infancia, p. 5.
[129] See JS9, p. 7. See also JS13, p. 4; Jw19, p. 9; JS21, p. 16; and Red Infancia, pp. 8–9.
[130] See JS19, p. 6; JS21, p. 15; CORFAL, p. 2; and Red Infancia, p. 8.
[131] See JS9, pp. 9–10 and 12. See also JS15, p. 9; APGXXIII, pp. 2 and 3; and CORFAL, p. 3.
[132] See GIEACPC, pp. 1 and 2. See also JS13, p. 8.
[133] See JS2, pp. 5 and 6. See also JS9, pp. 12–13; JS23, pp. 14–15; JS24, pp. 5–6; and Madres en Chile, p. 3.
[134] For relevant recommendations, see A/HRC/26/5, paras. 121.157, 121.158, 121.159.
[135] APGXXIII, pp. 4 and 6.
[136] See JS18, pp. 2 and 5. See also APGXXIII, p. 4.
[137] See JS21, p. 13; and JS28, pp. 13–14. See also JS15, p. 12.
[138] See APGXXIII, p. 7.
[139] For relevant recommendations, see A/HRC/26/5, paras. 121.160–121.167, and 121.169–121.177.
[140] See JS5, pp. 3–4; and JS17, pp. 18–19. See also, JS6, pp. 1 and 3; JS15, pp. 10–11; JS24, p. 5; and CS, p. 1.
[141] See JS6, p. 4. See also JS15, p. 11.
[142] See JS6, p. 4; and JS17, p. 16. See also CS, pp. 3–4.
[143] See JS17, p. 17. See also JS6, pp. 5–6; JS15, p. 11; AI, p. 8.
[144] See CS, p. 3. See also JS22, pp. 5 and 7–8.
[145] See CS, p. 5.
[146] See JS21, p. 10. See also LOF MICHILLANCA, pp. 1 and 3.
[147] See JS6, p. 5. See also JS22, p. 4; and Willi Lafken, pp. 2–3.
[148] See JS6, pp. 3–4; JS7, pp. 2 and 6; JS17, pp. 6–7; JS21 pp. 10–11; JS22, pp. 8–9; JS28, p. 12; AI, pp. 3, 5 and 7; Casa Memoria, p. 6; and CS, p. 2.
[149] See Ad Kimvn, pp. 2–3. See also JS17, p. 3; JS28, p. 12; AI, p. 6; and Casa Memoria, p. 6.
[150] See JS6, pp. 5–6; JS21, p. 10; and JS24, p. 5. See also Ad Kimvn, p. 4.
[151] See JS6, pp. 6 and 7.
[152] See ON, p. 4. See also JS6, p 7.
[153] For relevant recommendations, see A/HRC/26/5, paras. 121.178–121.183.
[154] See JS15, p. 11. See also AI, p. 4.
[155] See JS8, pp. 3 and 8–10. See also JS15, p. 12; AI, p. 4; FyC, pp. 4–5; FUDESO, p. 1.
[156] See JS8, p. 4. See also JS6, pp. 8 and 9; JS21, p. 12; AI, pp. 4–5; FyC, pp. 2–3; and FUDESO, p. 3.
[157] See JS6, p. 9; JS8, pp. 10–15; and JS21, pp. 12–13. See also JS15, p. 12; JS26, pp. 4–5; CORFAL, p. 3; and MMV, pp. 1–3.
[158] See FUDESO, pp. 2 and 3.
[159] See IACHR, p. 13. See also JS8, p. 7.